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THE FALSE DECRETALS

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THE  
FALSE DECRETALS

BY

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LOTHIAN PRIZEMAN, 1914

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## PREFACE

THE present thesis has grown out of the Lothian Essay for 1914 on the Pseudo-Isidorian Decretals. The conclusions of that essay remain the same: but the form and order have been re-cast, and the general arguments have been amplified, and I hope strengthened, after a year's further reading. It will be very clear that the subject has not been exhausted. I have not discussed, for instance, as it was not strictly relevant, the Frankish Church in the ninth century from the economic and doctrinal points of view. Nor have I drawn sufficiently upon the voluminous erudition of German critics. All this in better days must be done. But, seeing that there is not in English any comprehensive sketch of the Pseudo-Isidorian Decretals, I have thought fit to publish this thesis as it stands.

I am much indebted to the Rev. A. J. Carlyle, D.Litt., for the exceeding value of his criticisms before and after going into print.

E. H. DAVENPORT.

THE INNER TEMPLE.

*Easter, 1916.*

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## ERRATA

- Page xix, l. 18, *for* Hilarus *read* Hilarius.  
,, xx, l. 7, *for* Anagra *read* Ancyra.  
,, xx, l. 16, *for* Mileva *read* Milevum.  
,, xx, l. 36, *for* (Pages) 436-427 *read* 436-437.  
,, 2, l. 4, *for* ecclesastical *read* ecclesiastical.  
,, 5, n. 13, l. 4, *for* adoriunter *read* adoriuntur.  
,, 7, l. 13, *for* become *read* became.  
,, 31, n. 46, l. 1, *for* Histoire de *read* Histoire des.  
,, 35, n. 61, l. 5, *for* were *read* was.  
,, 39, n. 1, l. 3, *for* Charles the Bald *read* Charles the Fat.  
,, 49, l. 16, *delete* <sup>1</sup> *over* aggressive.  
,, 56, n. 56, l. 3, *for* c. lxxxii *read* c. xviii.  
,, 72, l. 3, *delete* of.  
,, 78, last line, *for* Pseudo-Isidore *read* Pseudo-Isidorian.  
,, 80, n. 31, l. 15, *for* to appreciate *read* to have appreciated.



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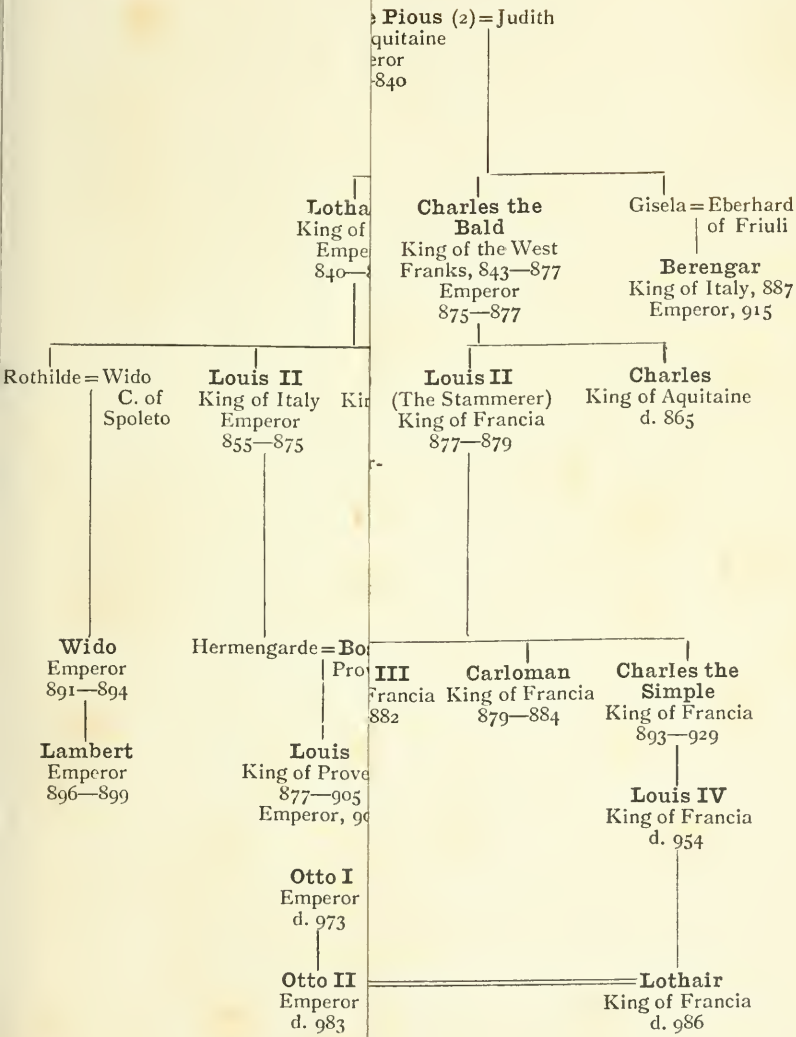
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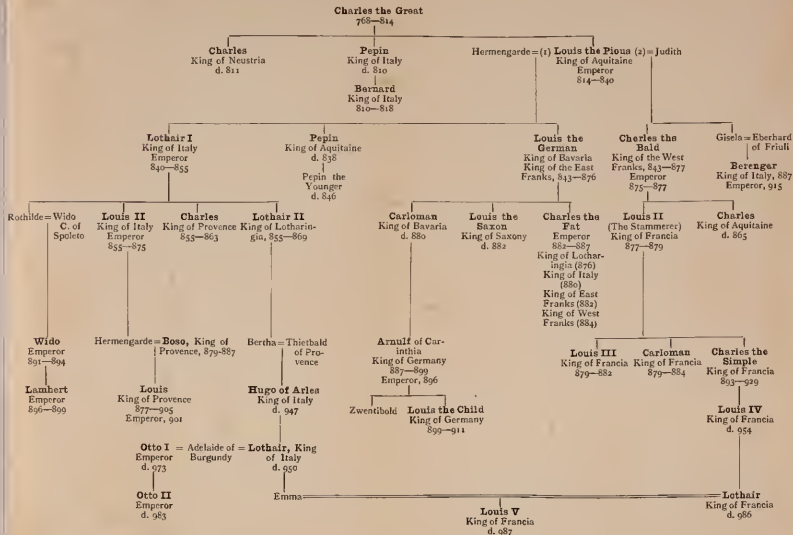
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# GENEALOGY OF THE CAROLINGIANS.



## CHRONOLOGICAL TABLE OF POLITICAL EVENTS, 814-888.

814. Death of Charlemagne and succession of Louis the Pious.

### 814—829. Peace and Imperialism.

Imperial idea carried on by Church party—Adalhard and Wala, Abbots of Corbey, Agobard, Archbishop of Lyons, and Ebbo, Archbishop of Rheims.

817. *Constitution of Aix-la-Chapelle.* Empire defined. Italy to Lothair as Co-Emperor; Aquitaine to Pepin; Bavaria to Louis the German.

Rebellion of Bernard, King of Italy: Wala and Adalhard banished from Court.

818. Death of Bernard from blinding.

822. Public penance of Louis the Pious at Attigny: Imperialist party restored to favour. Birth of Charles the Bald by Judith.

824. *Constitution* defining Empire and Papacy. Pope to be elected by the Romans but to swear fidelity to the Emperor: two Imperial Missi to remain in Rome.

827. [Saracen conquest of Sicily.]

828. Palace revolution. Judith, and Bernard, Count of Septimania, in power.

829. *Partition of Worms:* Imperial Constitution of 817 undermined. Alamannia, Rhaetia, and part of Burgundy were given to Charles the Bald.

### 829—843. Disunion. Imperialists forced into rebellion with the Emperor's sons.

830. *First Civil War:* Rebellion of Lothair, Pepin, Wala, Ebbo, Agobard, and Jesse of Amiens. Emperor dethroned, but restored at the Council of Nimeguen.

831. Council of Aix-la-Chapelle. Rebel Kings restored, but Lothair without Imperial title. [Saracen conquest of Palermo.]
832. *Second Civil War.* Rebellion of Louis the German, Pepin and Lothair, with Ebbo, and Agobard.
833. The Lügenfeld. Louis the Pious is dethroned at Assembly of Compiègne, and does penance at Soissons.
834. Louis the Pious again restored. Agobard and Ebbo dispossessed.
- 835—6. Diets of Crémieux and Aix-la-Chapelle. Suabia, Burgundy, and part of the kingdom of Louis the German given to Charles the Bald.
837. Danes invade Frisia.
838. *Third Civil War.* Aquitaine, on death of Pepin, given to Charles the Bald. Rebellion of Louis the German and Pepin the Younger. Lothair supports Louis the Pious.
839. *Partition of Worms.* Empire divided between Lothair and Charles the Bald. Louis the German keeps Bavaria only.
840. *Fourth Civil War.* On death of Louis the Pious, Charles the Bald and Louis the German take arms against Lothair.
841. Lothair defeated at Fontenai. Danish invasion of Neustria and rebellion of Nomenoe, Duke of Brittany.
843. *Treaty of Verdun.* Neustria, Aquitaine, Spanish March and Western Burgundy to Charles the Bald; Saxony, Thuringia, Franconia, Suabia, Bavaria, to Louis the German; Middle Kingdom to Lothair.
- 843—855. Confraternal Rule of Lothair, Charles and Louis.**
844. *Assembly of Thionville.* Bishops exhort the Kings to live in brotherhood.
845. Danish attack on Paris. Nomenoe defeats Charles the Bald at Ballon.

846. Independence of Brittany.  
 [Saracen attack on Rome.]
847. *Assembly at Meerssen.* Attempt at co-operation: joint campaign of the brothers against Horic the Dane. Sack of Bordeaux by the Danes.
848. Nomenoe crowned King of Brittany.
850. The Danes fortified on the Seine.
851. *Second Assembly at Meerssen.* Concord of brothers formally renewed.
852. *Assembly of St. Quentin.* Lothair and Charles the Bald agree to expel Godfred the Dane from Givald's dyke, but Charles suddenly buys peace.
- 853—4. Sack of Nantes and Tours by the Danes.
854. *The Confraternal Government broken* by Louis the Saxon, sent by Louis the German into Aquitaine against Charles the Bald.
855. Lothair dies: his kingdom divided among his sons, Louis II, King of Italy, Charles, King of Provence, and Lothair II, King of Lotharingia.
- 855—877. Disruption and the attempt of Charles the Bald at Empire.**
856. *Revolt of Counts* against Charles the Bald. Lothair II and Charles the Bald attack the Danes on the Seine at Oissel.
- 857—8. *Invasion of Neustria by Louis the German.*
859. Charles the Bald regains his kingdom.  
 Bigamy of Lothair II.  
 [Saracen conquest of Sicily completed.]
- 861—864. Rebellions of Carloman against Louis the German.  
 Inroads of the Danes, established at the mouths of the Somme, Seine, Loire and Garonne.
864. *Edict of Pistres.* Measures of Charles the Bald against the Danes.  
 [Dispute between Pope Nicholas I and Photius, Patriarch of Constantinople, ends in schism of the two Churches.]

- [Photius deposed by the eighth General Council.]
869. *Charles the Bald seizes Lotharingia on death of Lothair II.*
870. Assembly of Meerssen. Partition of Lotharingia between Charles the Bald and Louis the German.
875. *Charles the Bald seizes Italy on death of Louis II; and is crowned King of Italy by John VIII.*
876. *Charles the Bald seizes Eastern Lotharingia on death of Louis the German. Louis of Saxony defeats him at Andernach. Charles the Fat, son of Louis the German, becomes King of Lotharingia.*
877. *Death of Charles the Bald: succeeded by Louis II the Stammerer.*
- 877—888. Collapse of the Carolingian Empire.**
877. Louis II makes peace: Lotharingia divided between East and West.
879. *Boso, Count of Vienne, founds Kingdom of Provence or Lower Burgundy.*  
 Death of Louis II. Louis III and Carloman joint Kings of Francia.
880. *Charles the Fat becomes King of Italy on death of Carloman.*
881. Defeat of the Danes by Louis III at Saucourt.
882. Deaths of Louis III and Louis of Saxony. Austrasia harried by Danes.  
*Charles the Fat elected King of Germany: he makes peace with Godfred the Dane by the Treaty of Elsloo.*
884. *Charles the Fat becomes King of Francia on death of Carloman, and unites all the Frankish realms.*  
 Danes invade Francia.
885. Siege of Paris by Danes: defence by Count Odo.
886. Charles the Fat relieves the siege of Paris by bribery.



887. *Revolt of Arnulf, Duke of Carinthia*: Charles the Fat abdicates. Arnulf becomes King of Germany.
888. Death of Charles the Fat. The Carolingian Empire is split up into—  
Germany under Arnulf;  
Francia under Count Odo, who is chosen King;  
Lower Burgundy under Louis, who succeeds Boso;  
Upper Burgundy under Count Rudolf, the founder of the Kingdom.
- 

## EMPERORS AND POPES, 814—888.

	<i>Western Emperors</i>	<i>Popes.</i>	<i>Eastern Emperors.</i>
814.	Louis the Pious	Leo III	Leo V the
816.	„	Stephen IV.	Armenian.
817.	„	Paschal I	„
820.	„	„	Michael II the
824.	„	Eugenius II	Stammerer.
827.	„	Gregory IV	„
829.	„	„	Theophilus.
840.	Lothair I	„	„
842.	„	„	Michael III the
844.	„	Sergius II	Drunkard.
847.	„	Leo IV	„
855.	Louis II.	Benedict III	„
858.	„	Nicholas I	„
867.	„	Hadrian II	Basil I the
872.	„	John VIII	Macedonian.
875.	Charles the Bald	„	„
881.	Charles the Fat	„	„
882.	„	Martin II	„
884.	„	Hadrian III	„
885.	„	Stephen V	„
886.	„	„	Leo VI the
888.	Death of Charles the Fat	„	Philosopher.

TABLE OF THE POPES OF THE FALSE  
DECRETALS.

\* Denotes Authentic Decretals.

PART I.

<i>Date. A.D.</i>	<i>Pope.</i>	<i>Pages in Hinschius.</i>
79—90†	Anacletus	66—87
90—99†	Clement I	30—66
99—107†	Evaristus	87—94
107—116†	Alexander I	94—105
116—125†	Sixtus I	105—109
125—136†	Telesphorus	109—112
136—140†	Viginus (Hyginus)	113—116
140—154†	Pius	116—120
154—165†	Anicetus	120—122
165—174	Sotherus	122—125
174—189	Eleutherus	125—127
189—198	Victor	127—130
198—217	Zephyrinus	131—135
217—222	Callistus I (Calixtus)	135—143
222—230	Urbanus I	143—146
230—235	Pontianus	147—151
235—236	Anterus	151—156
236—250	Fabianus	156—170
251—253	Cornelius	170—175
253—254	Lucius I	175—180
254—257	Stephanus I	180—189
257—258	Sixtus II	189—194
259—268	Dionysius	194—197
269—274	Felix I	197—206
275—283	Eutychianus	206—214
283—296	Gaius	214—218
296—304	Marcellinus	218—223
308—309	Marcellus I	223—230
309 (310)	Eusebius	230—242
311—314	Melchiades	242—249

† These dates are uncertain.

PART III

<i>Date.</i>	<i>Pope.</i>	<i>Pages in Hinschius.</i>
314—335	Sylvester I	449—451
336	Marcus	451—454
337—352	Julius	454—474
352—366	Liberius	474—478, and 494—498
355—365	Felix II	478—494
366—384	Damasus I	498—520
384—398	Siricius	*520—525
398—401	Anastasius I	525—527
402—417	Innocent I	*527—553
417—418	Zosimus	*553—554
418—422	Bonifacius I	*554—556
422—432	Celestinus I	*556—561
432—440	Sixtus III	561—565
440—461	Leo I	*565—630
		(*Excepting 622—625, and 628)
461—468	Hilarus	*630—632
468—483	Simplicius	*632—633
483—492	Felix II	*633—635
492—496	Gelasius I	*635—654
496—498	Anastasius II	*654—657
498—514	Symmachus	*657—686
		(*Excepting 675—685)
514—523	Hormisdas	*686—694
523—526	John I	694—697
526—530	Felix IV (III)	697—703
530—532	Bonifacius II	703—705
533—535	John II	705—706
535—536	Agapitus I	706—708
536—538†	Silverius	708—709
538†—555	Vigilius	710—712
556—561	Pelagius I	712—715
561—574	John III	715—718
575—579	Benedictus I	718—720
579—590	Pelagius II	720—732
590—604	Gregory I	*732—753
		(*Excepting 747—753)
715—731	Gregory II.	*753—754

## TABLE OF THE COUNCILS OF THE FALSE DECRETALS.

### EASTERN.

(Fourth and fifth centuries.)

<i>Councils.</i>	<i>Pages in Hinschius.</i>	<i>Councils.</i>	<i>Pages in Hinschius.</i>
Nicaea .....	258—261	Antioch .....	269—273
Anagra .....	261—263	Laodicea .....	273—276
Neo Caesarea .....	263—264	Constantinople .....	276—277
Gangra .....	264—266	1st Ephesus...	277—282
Sardica .....	266—269	Chalcedon ....	282—291

### AFRICAN.

(Third, fourth, and early fifth centuries.)

1st Carthage .....	291—294	5th Carthage .....	306—308
2nd „ .....	294—296	6th „ .....	308—315
3rd „ .....	296—301	7th „ .....	315—316
4th „ .....	301—306	Mileva .....	316—319

### GALLIC.

(Fourth, fifth, and early sixth centuries.)

1st Arles .....	320—321	Riez .....	326—327
2nd „ .....	321—323	Orange .....	328—330
3rd „ .....	323	Vaison .....	330—331
Valence .....	324	Agde .....	331—336
Tours .....	324—325	Orleans .....	336—338

### SPANISH.

(Fourth, fifth, sixth, and seventh centuries.)

Elvira .....	338—343	7th Toledo ...	380—383
Tarragona ...	343—344	8th „ ...	383—394
Gerona .....	345	9th „ ...	397—400
Saragossa ...	345—346	10th „ ...	400—404
Lerida .....	346—348	11th „ ...	404—411
Valentia ....	348—349	12th „ ...	411—419
1st Toledo ...	349—352	13th „ ...	419—420
2nd „ ...	352—354	1st Braga ...	420—424
3rd „ ...	354—362	2nd „ ...	424—426
4th „ ...	362—374	3rd „ ...	433—436
5th „ ...	374—376	1st Seville ...	436—427
6th „ ...	376—380	2nd „ ...	437—444

## INTRODUCTORY

THE False Decretals were only one, albeit the largest, of a group of 'forgeries,' so called, that appeared in Gaul towards the middle of the ninth century. There were four, and in each the 'forgery' consisted in attributing to past Emperors or Popes, of pious memory, capitularies or decretals which the 'forger' had compiled himself on behalf, and for the edification, of 'the faithful.'

The first,<sup>1</sup> the Capitularies of Benedict the Deacon<sup>2</sup> published in 847, pretended to be the authentic capitularies of the Emperors Charlemagne and Louis the Pious. Benedict, Deacon of Mayence, it read in the Preface, wrote at the demand of Otgar, Archbishop of Mayence, to make known for the benefit of Louis, Lothair, and Charles, the sons of Louis the Pious, the capitularies which Angesisus, Abbot of Fontenelle, had omitted in his Capitularium.

The second, a smaller collection known as the Capitularies of Angilramnus, Bishop of Metz, was

<sup>1</sup> This order omits the collection known as the 'Hispana d'Autun' (vide Appendix II) which has been taken to be a trial edition of the False Decretals, and cannot therefore be regarded as a separate member of the group.

<sup>2</sup> Cf. Appendix II. For text, *Mon. Germ. Hist. Leges*, t. II, Pars. II; for commentaries, H., cxliii sqq., and Tardif, *Histoire des sources du droit canonique*, p. 133.

said to be the capitularies given by Pope Hadrian I to the Bishop of Metz on his attending a suit at Rome.<sup>3</sup> In point of fact, Angilramnus was never so engaged. This appeared towards 850, and approximately in that year<sup>4</sup> were published the False Decretals of the Pseudo-Isidore.

The group closed in 859 with the Canons of Isaac of Langres,<sup>5</sup> falsely declared to be the canons of two councils presided over 'in the name of Pope Zacharias by the venerable Boniface, Archbishop of Mayence, legate of the Holy Roman and Apostolic Church, and by Carloman, Orthodox King of the Franks, then confirmed by Pope Zacharias, in virtue of his Apostolic Authority, the year of the Incarnation 742.'

Of this group of 'forgeries' the False Decretals were the most imposing. They purported to be a collection of canon laws compiled by 'Isidorus Mercator,' suggesting, presumably, St. Isidore of Seville.<sup>6</sup> They contained in the first part 'forged'

<sup>3</sup> Cf. Appendix II. Text., H., p. 757, cf., Tardif, p. 138, and H., p. clxiii.

<sup>4</sup> Vide Appendix I.

<sup>5</sup> Cf. Appendix II. Text, Baluzii Capitularia I. Cf. Tardif, p. 139.

<sup>6</sup> 'Isidorus Mercator . . . compellor a multis tam episcopis quam reliquis servis dei canonum sententias colligere et uno in volumine redigere et de multis unum facere' (H., p. 17). 'Isidorus,' is a pertinent tribute to the Bishop of Seville, as it is on a version of the 'Collectio Hispana'—attributed falsely to Isidore—that the Pseudo-Isidore planned his own compilation. 'Mercator' also is not inapposite, (H., p. ccxxx; some MSS. read 'Peccator' or 'Mercatus'), for the forger has only substituted 'Isidorus' for 'Marius' in a preface taken from a 'Marius Mercator' who had made a collection of Greek councils and some odd letters to Nestorius from St. Cyricius. (See Tardif, *Histoire des sources du droit canonique*, p. 150).

decretals of the Popes from Clement I to Melchiades; in the second part the authentic canons of the Eastern, African, Spanish, and Gallican, councils; and in the third part papal decretals, some false, some authentic, from Sylvester to Gregory I. The texts which the Pseudo-Isidore had 'forged' proclaimed in general the rights and independence of the priesthood. They were attributed to the earliest, and revered, successors of St. Peter; they were declared in fact to be the ancient papal decretals which the world had never yet set eyes on.

The world apparently accepted them in all good faith. It did not marvel how it was that papal decretals could be unearthed in Gaul if for five centuries they had been jealously guarded in the papal Chancery. It was not till the Renaissance that their authenticity was doubted.<sup>7</sup>

This is a brief presentment of the case: the evidence must be called in detail. It must elucidate three

<sup>7</sup> Cardinals Nicholas of Cusa and John of Torquemada in the latter half of the fifteenth century were the first to suggest forgery. Then in the sixteenth century Erasmus and the Protestant canonist Charles du Moulin and the Catholic canonist Antoine le Conte declared their strong suspicions. However in 1580 in the official edition of the *Corpus Juris* the authenticity of the Decretals was never doubted. Probably the difficulty of a formal repudiation was shirked, and, moreover, the controversies of that period prevented an impartial discussion of the subject. However, a reply by the Jesuit Torres to the centuriators of Magdeburg, who had launched in 1559 a polemic against a papacy, deriding the False Decretals, provoked a violent rejoinder by the Protestant David Blondel in 1628 in his *Pseudo-Isidorus et Turrianus vapulantes*. Since then the 'forgery' of the Pseudo-Isidore has been an established fact. (Cf. *Encyclopædia Britannica*, Vol. VII, p. 916, and *Catholic Encyclopædia*, Vol. V, p. 773).

facts—the environment, the substance, and the influence of the Pseudo-Isidore's work—which will be the concern of the following three chapters. The fourth and fifth will venture a judgment on the place in history of the Pseudo-Isidorian Decretals.



# THE FALSE DECRETALS

## CHAPTER I

### THE ENVIRONMENT OF THE FALSE DECRETALS

DR. Figgis has observed<sup>1</sup> that the theory of Church and State as two distinct societies was not conceived until after the Reformation. And inasmuch as Jonas of Orleans<sup>2</sup> in the ninth century had affirmed that both the secular and spiritual powers were within the Church, and no contemporary writer had contradicted him, it may be regarded as true that in those days there was held to be one catholic society—a world Church-State. As the Trinity was Three in One, so the Universal Church-State was two in one. It was one body with two aspects—the spiritual and secular—and, corresponding with these aspects, it had two governments. It was a diarchy.

<sup>1</sup> Dr. Figgis, *Churches in the Modern State*, pp. 77 sqq.

<sup>2</sup> Jonas of Orleans, *De Institutione Regia*, Cap. I (Migne : *P.L.*, CVI). 'Sciendum omnibus fidelibus est quia universalis Ecclesia corpus est Christi et eius caput idem est Christus, et in ea duae principaliter exstant eximiae personae, sacerdotalis videlicet et regalis, tantoque est praestantior sacerdotalis quanto pro ipsis regibus Deo est rationem redditura.' This is the more striking as Gelasius had said that both the secular and spiritual powers were within the *world*.

The Frankish Church-State was merely one of the territorial sub-divisions<sup>3</sup> which comprised this federal body, the universal Church-State. From the ecclesiastical point of view, the universal may have triumphed over the local Church-States prior to the Reformation: from the secular point of view, multiplicity may have triumphed over unity. But as in the universal, so in the local Church-State of the Franks there were these two aspects and these two governmental authorities—secular and spiritual: there was not the post-Reformation distinction between State and Church.

The environment of the False Decretals was the local Church-State of the Franks prior to the year 850. There are therefore three questions to be considered: first, the condition of the secular government; secondly, the condition of the spiritual government; thirdly, the relationship between the two.

## I.

First, the condition of the secular government.

From the ecclesiastical point of view, which, being the Pseudo-Isidorian, is the one to be examined, there appeared to be no secular government whatever. There was not sufficient government, that is, to protect ecclesiastical persons and goods from Frankish or foreign enemies. And inasmuch as the primary object of government in those days was to

<sup>3</sup> The Imperialists of the ninth century would doubtless have held that the Universal Church-State was the Carolingian Empire.

maintain order and security, it may be said that the ecclesiastical was the just point of view.

The truth was that the secular government towards the middle of the ninth century began to weaken in authority. It is not intended in this chapter to draw a general picture of the collapse of the Carolingian empire; it will be sufficient to show how the Church suffered from the endless civil wars and invasions of that time.

In the civil wars it suffered, as the annals<sup>4</sup> and synodical decrees of the ninth century witness, continual plunder of its property and assault on its priests. Even if there was no civil war in course, kings and nobles took their regular turn of pillaging the Church's wealth.<sup>5</sup> It was a King of Aquitaine, in 836, who was implored by the synod of Aix-la-Chapelle to restore the episcopal property he had confiscated<sup>6</sup>: and in 841 an Emperor was looting

<sup>4</sup> *Annales Bertiniani* (741-882) are composed from 836-861 by St. Prudentius, Bishop of Troyes, and from 861-882 by Hincmar, Archbishop of Rheims. From 830 they begin to have a universal character, and from 840 become more exact and detailed. *Annales Fuldenses* from 814 to 837 (Auctore Enhardo) are very curt: from 838 they become fuller and distinctly pro-German. Both are confusedly written. The annalist passes suddenly from the ravages of Danes to the state of the weather, or from the miseries of a civil war to the latest sensation in miracles.

<sup>5</sup> It is significant that in 823, in the middle of the fifteen years of peace, Louis the Pious did penance at the Diet of Compiègne for the attacks on Church property which he had permitted (Hefele, V, p. 229; Mansi, XIV, p. 410).

<sup>6</sup> *Ann. Bertin.*, 837 (wrongly): 'Epistola ab eodem venerabilium episcoporum conventu ad Pippinum directa est ut . . . res ecclesiarum Dei pridem a suis invasas atque direptas integritati earum restitueret, ne tali etiam occasione divinam contra se iracundiam ardentius incitaret' (*M.G.H.*, Script f, p. 430).

churches after his defeat at Fontenai.<sup>7</sup> It was not a regal example to set, but it was the manner of the times. In those recurrent civil wars, whenever a bishop found himself upon the losing side, he was inevitably robbed by the winning. So it was with Aldric, bishop of Le Mans, in 840, when he was expelled from his see by the enemies of Charles the Bald.<sup>8</sup> So again with the two abbots, and the Archbishop of Mayence, dispossessed after the battle of Fontenai by the victorious Charles the Bald and Louis the German.<sup>9</sup> Moreover, priests were sometimes murdered and bishops often falsely accused and condemned by secular, not ecclesiastical, tribunals. There was as little respect for the Church's servants as for its property.

And much less was the Church secure against attacks from foreign enemies, that is, from Danes and Bretons. After 835 the raids of the Danes became continuous.<sup>10</sup> They wasted Frisia in 837<sup>11</sup>;

<sup>7</sup> *Ann. Bertin.*, 841: 'Lotharius . . . Cenomannos nullo negotio adiens, cuncta rapinis, incendiis, stupris, sacrilegiis, sacramentisque adeo iniuriat, ut ne ab ipsis adytis temperaret. Nam quos cumque salvandi gratia repositos vel in ecclesiis vel in earum gazophylaciis thesauros, etiam sacerdotibus et ceterorum ordinum clericis iuramento devinctis, reperire potuit, auferre non distulit; ipsas quoque sanctimoniales divinis cultibus deditas feminas in sui sacramenta coegit' (*M.G.H.*, Script I, p. 438).

<sup>8</sup> The enemies were two nobles and Sigismond, the secular Abbot of St. Calais. The church was pillaged, and seven hospitals for the poor which Aldric had founded, were ruined. Nor was the bishop restored till the recovery of power by Charles the Bald.

<sup>9</sup> Hefele, V, p. 304.

<sup>10</sup> In the *Annales Bertiniani*, each year from 835 to 852, with the exception of 840, has the record of a Danish raid. At the same time the Saracens were invading the shores of Italy and Southern Gaul.

<sup>11</sup> *Ann. Bertin.*, 837: *M.G.H.*, Script I, p. 430.

they sailed up the Seine in 841 and sacked Rouen with its neighbouring monasteries.<sup>12</sup> Two years later they burnt Nantes, murdered its bishop, and wintered in the island of Rhé.<sup>13</sup> When the secular government began to bribe them away with money it clearly confessed its failure to drive them away by force of arms.<sup>14</sup>

But the revolt of Nomenoe, Duke of Brittany,<sup>15</sup> was even more bitter for the Church than the Danish raids. He defied not only the Frankish king but the whole Frankish Church. Not only were Frankish monasteries plundered,<sup>16</sup> not only had Angers and Le Mans to defend their walls against Breton soldiers, but four Frankish bishops were expelled in

<sup>12</sup> *Ann. Bertin.*, 841: *M.G.H.*, Script I, p. 437: 'Piratae Danorum . . . Rotumam irruentes, rapinis, ferro, ignique bacchantes, urbem, monachos, reliquumque vulgum et caedibus et captivitate pessum dederunt, et omnia monasteria seu quaecumque loca fluminis Sequanae adhaerentia aut depopulati sunt, aut multis acceptis pecuniis territa relinquunt.'

<sup>13</sup> *Ann. Bertin.*, 843, p. 439: 'Piratae Nordmannorum urbem Namnetum adgressi, interfectis episcopo et multis clericorum atque laicorum . . . depraedata civitate, inferioris Aquitaniae partes depopulari adoriunter; ad postremum insulam quandam ingressi . . . hiemare velut perpetuis sedibus statuerunt.'

<sup>14</sup> Thus Charles the Bald in 845, and Lothair in 850 when he bestowed Duersted and other counties on Roric (*Ann. Bertin.*, p. 445). In the year 845 the Danes sacked the monastery of St. Bertin, though 'ita divino iudicio vel tenebris coecati et insania sunt perculti ut vix perpauci evaderent.'

<sup>15</sup> A. de la Borderie, *Histoire de Bretagne*, Vol. II, ch. II, III, and XI.

<sup>16</sup> *Ann. Bertin.*, 843, p. 439: 'Nomenogius Bretto et Lantbertus . . . coacti sunt per multa totius Galliae loca homines terrae mixtam paucitatem farinae atque in panis speciem redactam comedere, eratque lacrimabile imo execrabile nimium facinus, cum iumenta raptorum pabulis abundarent, et homines ipsius terrenae admixtionis crustulis indigerent.'

848 from their Breton sees, and Dol became the metropolitan see of Brittany in defiance of the jurisdiction of the Frankish Archbishop of Tours. The synod of Paris in 849 made long but ineffectual complaint of the crimes of the Breton king.<sup>17</sup>

Meanwhile, the bishops did their best to insist on the rights of the ecclesiastical government and the duties of the secular. The synod of Aix-la-Chapelle of 817 passed damnation on the violators of Church property,<sup>18</sup> and the synod of Thionville of 821 on the murderers of deacons, priests and bishops.<sup>19</sup> There were four great synods of reform in 829,<sup>20</sup> and the canons of the most important, the synod of Paris, set out the dignity of the Church and the sanctity of its priests and property.<sup>21</sup> The Emperor was to have heard and ratified them at Worms.<sup>22</sup> But hearing rumours of another rebel-

<sup>17</sup> Mansi XIV, p. 923.

<sup>18</sup> Hefele, V, p. 220: *Capitula proprie ad episcopos*: c. 1, c. 14, and c. 15.

<sup>19</sup> Mansi, XIV, p. 389: *cf.* Hefele, V, p. 225.

<sup>20</sup> At a Council at Aix 'cum quibusdam fidelibus,' in which Wala, Abbot of Corbey, blamed the Emperor for all the miseries of the Church, it was decided to hold four Synods for reform (Hefele, V, pp. 248-253). They took place at Paris, Lyons, Mayence and Toulouse: but the records of the last three have been lost.

<sup>21</sup> Lib. I, c. 3 . . . 'auctoritas sacrata pontificum et regalis potestas: in quibus tanto gravius pondus est sacerdotum, quanto etiam pro ipsis regibus hominum in divino reddituri sunt examine rationem' (Mansi, XIV, p. 537). Lib. III, c. 8, 'Petimus humiliter vestram excellentiam ut per vos filii et proceres vestri nomen, potestatem, vigorem, et dignitatem sacerdotalem cognoscant.' (Mansi, XIV, p. 597. *Cf.* Hefele, V, pp. 254-267).

<sup>22</sup> The Synod of Worms, 829 (Mansi, XIV, p. 625: *cf.* Hefele, V, pp. 272-3.)

lion, he left hastily without hearing the canons. This was the first stage in the bishops' failure at reform.

At the synod of Aix-la-Chapelle of 836<sup>23</sup> they pleaded again. They implored the Emperor to curb the rebelliousness of his sons and the 'unheard-of malice' of his nobles. They said that reform would never be complete until the Emperor had restored the honour of the Church and the spiritual authority of bishops.<sup>24</sup> They repeated it in synod after synod.<sup>25</sup> At Meaux in 845<sup>26</sup> they declared that 'the malice of Satan has turned away our pleading from the hearts of the King and his people,' and, which become their favourite theme, that 'God had sent the Normans in punishment.' But only nineteen of the eighty canons of the synod of Paris of 846<sup>27</sup> were confirmed by

<sup>23</sup> The Synod of Aix-la-Chapelle, 836, III, c. 25. 'Meminimus enim, in praereditis conventibus nonnulla capitula ab episcopis vestra admonitione fuisse tractata atque statuta pro necessitate et communi salute utrorumque ordinum, ecclesiasticorum videlicet atque saecularium: sed nescimus quibus impediendis obstaculis quasi oblivioni tradita' (Mansi, XIV, p. 695).

<sup>24</sup> Mansi, XIV, p. 695: cf. Hefele, V, pp. 291-2.

<sup>25</sup> At Lauriac (843) (Mansi, XIV, p. 798: cf. Hefele, V, p. 311); Coulène (843) (Mansi, XIV, p. 798: cf. Hefele, V, p. 311); Thionville (844) (Mansi, XIV, p. 807: Hefele, V, p. 311); Verneuil (844), c. 12 (Mansi, XIV, p. 810, and XVII, App. 9, cf. Hefele, V, p. 313); and Beauvais (845) (Mansi, XIV, p. 810. cf. Hefele, V, p. 313).

<sup>26</sup> The Synod of Meaux, 845 (Mansi, XIV, p. 811: cf. Hefele, V, pp. 315-6) was unable to continue its sessions, so the bishops met again at Paris.

<sup>27</sup> Synod of Paris, 846 (Mansi, XIV, p. 815, &c., cf. Hefele, V, pp. 317-8), c. 42, 60 and 61, enjoined the immunity of Church property; for instance, c. 61; 'Ut pervasores rerum ecclesiasticarum... qui eas exspoliant, devastant et opprimunt ut rapaces, . . . ex criminali et publico peccato publica poenitentia satisfaciant' (Mansi, XIV, p. 833).

Charles the Bald at the Diet of Epernay.<sup>28</sup> This was the second stage in the bishop's failure, before the coming of the False Decretals.

There was truth then in the ecclesiastical point of view. The secular government had not the power behind it to enforce its government. So the Church had to suffer its enemies at home as well as its enemies from abroad. It was plundered and defied by noble and king as by rebels from Brittany and the 'pirates' from the sea. It may have offered temptation with its riches.<sup>29</sup> And there may have been bishops themselves who fell into the temptation, and took their share of ecclesiastical wealth as they took their share in the civil wars.<sup>30</sup> But the truth remains that the authority of the secular government was breaking down.

## II.

Secondly, the condition in which the Pseudo-Isidore found the ecclesiastical authority.

<sup>28</sup> At the Diet of Epernay (846) a faction among the nobles incriminated the bishops, and Charles the Bald confirmed only nineteen of their eighty canons. Canons 42, 60, and 61 of the Synod of Paris were not included. (*Cf.* Hefele, V, pp. 321-2).

<sup>29</sup> It was, perhaps, because of the excessive wealth of certain of the clergy that the Pseudo-Isidore was anxious that they should live a common life with common worldly possessions (*cf.* H., pp. 143-4, Urban).

<sup>30</sup> For instance, Theodulf of Arles, Wolfuld of Cremona, and Anselm of Milan conspired with Bernard, King of Italy, and were dispossessed of their sees by a synod of 818. For conspiracy, again, Jesse, Bishop of Amiens, and Hilduin, Abbot of St. Denis, were deposed in 830 by the Synod of Nimeguen, with the Emperor presiding. Five years later, Bartholomew of Narbonne and Bernard of Vienne fled from their sees to escape the same penalty.



The failure of the secular authority to govern within its own sphere affected the sphere of the spiritual authority directly and indirectly. Directly, it disorganised ecclesiastical administration; indirectly, it disorganised the ecclesiastical hierarchy.

In the first place, the direct result was disorganisation in administration. A partitioning of royal kingdoms, which was not infrequent in the civil wars, meant the partitioning of ecclesiastical dioceses and provinces. The Treaty of Verdun in 843 meant the partitioning of the provinces of Cologne,<sup>31</sup> Rheims,<sup>32</sup> Lyons,<sup>33</sup> and Narbonne.<sup>34</sup> By the revolt of Nomenoe the province of Tours was robbed of its Breton dioceses and an archbishop was unlawfully established at Dol. With such disorganisation it was clearly no easy matter to maintain the routine of daily services, especially when the priests who performed them might at any time be murdered, and the church wherein they were performed might at any time be sacked. This was the more obvious result of the failure of the secular authority to govern.

In the second place, the indirect and less obvious

<sup>31</sup> All lands on the right bank of the Rhine went to Louis the German: but Utrecht and Liège were given to Lothair.

<sup>32</sup> Cambrai was taken from Rheims and given to Lothair (*vide* Hinemar's letter to Nicholas I: Migne, CXXVI, 88). The pagi Castrice, Monzonnois, and Dormois, and the abbey of Montfaucon went also and were not restored till the death of Lothair II.

<sup>33</sup> Lyons was divided by the Saone between Lothair and Charles the Bald, *i.e.* the Metropolis of Lyons was under Lothair: but the suffragans of Langres, Chalons, Autun, Macon, were under Charles.

<sup>34</sup> Ozès was given to Lothair: the rest of the province of Narbonne to Charles.

result was disorganisation in the ecclesiastical hierarchy. The positions of the Chorepiscopus and the Metropolitan Archbishop are those in question.

The position of the Chorepiscopus is obscure.<sup>35</sup> Certainly at this time he was not ecclesiastically popular.<sup>36</sup> The Pseudo-Isidore's objection seems to have been that he usurped the episcopal functions: but it is not unlikely that certain bishops neglected their spiritual duties, went on secular embassies more often than on visitations in their dioceses, and left the Chorepiscopus to the affairs of God while they were busied about the affairs of the world.<sup>37</sup> The Pseudo-Isidore perhaps feared that the Chorepiscopus, instead of relieving, might supersede the bishop. But there is little evidence that the Chorepiscopus was to blame.

The Metropolitan Archbishop, on the other hand, was to blame, though he may not have been unpopular.

<sup>35</sup> Originally, as a representative of the bishop, the chorepiscopus could ordain clerics of minor orders without the bishop's consent, and, with his consent, could ordain presbyters and deacons. Moreover he could perform confirmations and officiate in the city. The Pseudo-Isidore was therefore wrong in deeming their work unlawful. (*Cf.* P. Viollet, *Histoire des institutions politiques et administratives de la France*, pp. 348-350).

<sup>36</sup> At the Synod of Aix, 836 (Ch. II, b, c, 4) the chorepiscopi were said to be full of avarice against the people (Hefele, V, p. 289): at the Synod of Paris in 847 (c. 44) stress was laid on their duties (Hefele, V, p. 317): and at the Synod of Paris in 849 the order of chorepiscopi was even abolished (Hefele, V, p. 359).

<sup>37</sup> The Synod of Paris in 829 (Mansi, XIV, p. 532, *cf.* Hefele, V, p. 253) issued the following canons:—Lib. I, c. 29: Bishops were forbidden to leave their sees (*cf.* Aix in 836, ch. i, c. 12) or to send their clerks on worldly missions; cc. 19 and 23: Canons were issued against the worldly lusts of bishops (*cf.* Lib. III, c. 26), and c. 28, of clerks and monks.

Charlemagne, in reviving the old canon law,<sup>38</sup> which was replete with rules for the rights and duties of the Metropolitan Archbishop, may have given new life to the order itself.<sup>39</sup> But he was too autocratic to allow the Metropolitans to become powerful: it was not until the weakly rule of Louis the Pious that they found an opportunity for self-aggrandisement, after which their rise to power was rapid. By the middle of the ninth century, immediately prior to the False Decretals, they had become the life and soul of their provinces. They controlled the election of bishops through their 'visitator'<sup>40</sup>; they conducted the canonical examination of the bishop elect<sup>41</sup> and performed his consecration; and it was only with their consent that the bishop could excommunicate offenders,<sup>42</sup> issue disciplinary rules,<sup>43</sup> or even quit his diocese.<sup>44</sup> When the bishop came to be tried before the provincial synod it was the Metropolitan who presided and controlled the debate.<sup>45</sup> The two

<sup>38</sup> He had promulgated in 802 at Aix-la-Chapelle the collection of canon law—'collectio Dionysio-Hadriana'—sent to him by Pope Hadrian I in 774.

<sup>39</sup> Boniface had revived the order (see Lesne, pp. 30-57: *La Hierarchie Episcopale*) without great success, though it may not have died out.

<sup>40</sup> 'Ego et non tu visitatorem ipsi viduatae designabo Ecclesiae'—Hincmar to his nephew (Migne, CXXVI, 311, c. vi).

<sup>41</sup> 'Meum est ordinandum examinare, non tuum' (Migne, CXXVI, 312, c. vi.).

<sup>42</sup> Hincmar (Migne, CXXVI, 280).

<sup>43</sup> Hincmar, as his letters show (Migne, CXXVI), continually gave his suffragans advice.

<sup>44</sup> Hincmar (Migne, CXXVI, 312, c. vi).

<sup>45</sup> H., p. 22, line 8, *Ordo de celebrando consilio*: 'Quos tamen sessuros secum metropolitanus elegerit, qui utique et cum eo judicare aliquid et definire possint.'

jurisdictions of synod and Metropolitan tended to merge the one within the other.

The Metropolitan Archbishops had come to be reckoned with, not only by the ecclesiastical, but by the secular authority. They partook readily of the fruits and penalties of the civil wars. Theodulf of Arles and Anselm of Milan were deposed for their share in the rebellion of Bernard of Italy, and Ebbo of Rheims and Agobard of Lyons had been condemned for presiding at the humiliation of Louis the Pious in the church of St. Médard at Soissons.<sup>46</sup> Nevertheless it was the Metropolitans who were the mainspring of the Imperialist party after the death of Charles the Great. They were responsible for the success of Louis the Pious in the earlier years of his reign—for the Constitutions especially of 817 and 824. They kept alive after 841 the Imperialist idea of a universal Church-State wherein all men should live in brotherhood; and they kept together the confraternal government of Lothair, Charles, and Louis, in the assemblies of Verdun, Thionville, Meerssen and St. Quentin. They were in fact the only creditable and popular party.

But it was very clear that they were not keeping to the proper functions of their office. If they were zealous in the secular sphere they were neglecting their ecclesiastical duties. If they were zealous in the ecclesiastical sphere they were usurping the

<sup>46</sup> This was by the Diet of Thionville in 835, which also condemned Bartholomew, Archbishop of Narbonne, and Bernard, Archbishop of Vienne (*cf.* Hefele, V, pp. 285-6).

rightful functions of the bishops. They were irregular in either case.

Such was the disorganisation in the ecclesiastical hierarchy. It is not difficult to trace its origin to the collapse of the secular authority. The bishops were already tainted with worldliness, and the Metropolitans were not only worldly already, but were a worldly power. The habits which were beginning to transform the lay society into a feudal society were apparently beginning to take hold of ecclesiastical life. The oath on consecration of the bishop was not unlike the vassal's oath of fidelity and obedience.<sup>47</sup> The bishops grouped themselves about the Metropolitan as 'fideles' round the Count or Duke. As the secular lord acted in concert with, yet controlled, his vassals, so did the Metropolitan formally bow to his synod, yet in reality direct its decisions. The spiritual government, within its own sphere, had not lost its authority as had the secular government: but it seemed to be losing its spirituality.

### III.

In such condition the Pseudo-Isidore found the

<sup>47</sup> In 802 Charlemagne renewed the oath which his subjects had taken, and addressed it to laymen and ecclesiastics alike. And there is proof in 833 that the oaths were considered binding on all the clergy, for Gregory IV, when accused of perjury in rebelling against Louis after the oath of fidelity he had sworn on installation, declared that all the Frankish bishops were guilty of the same crime. Moreover, the Council of Aix-la-Chapelle (II, c. xii) in 836 gave it out that the violation of the oath would mean forfeiture of the offender's preferment (Mansi, XIV, p. 679: *cf.* Hefele, V, p. 289).

secular and spiritual authorities when he wrote his False Decretals. He must have considered also the relationship between the two.

There was little clear political thinking in the ninth century. There was not even a consciousness of the nature of the theory behind the Church Fathers.<sup>48</sup> The theory of Pope Gelasius—that there were two authorities, secular and spiritual, co-ordinate and independent—was generally accepted, but it was found difficult to define their limitations. There were two conflicting tendencies.

First, the subordination of the ecclesiastical to the secular authority was often put into practice, though perhaps unconsciously, by Charlemagne. The Church was not necessarily the loser thereby. The reforms inaugurated by Pepin and Boniface after the chaos of the Merovingian decline had been completed, and the payment of tithe had been enforced, by Charlemagne. But the more vigorous the Church became, the more did it become dependent on the Emperor.<sup>49</sup> To Charlemagne the bishops were vassals as much as the nobles. 'With such and such an abbey or estate,' he said, 'I can secure

<sup>48</sup> There were, of course, writers of great analytical power. For instance, Smaragdus Abbas in 'Via Regia'; Rabanus Maurus in 'De Universo'; Sedulius Scotus in 'De Rectoribus Christianis'; Hincmar of Rheims in 'De Regis Persona' and 'De Ordine Palatii'; Jonas of Orleans in 'De Institutione Regia'; Florus Diaconus in 'De Electionibus Episcoporum.' But the Pseudo-Isidore is clearly not on the level of these: he is not interested in intellectual controversies.

<sup>49</sup> Cf. Vol. I, chap. xxi, p. 261, &c., of Dr. Carlyle's *Mediaeval Political Theory in the West*.

a better vassal than that count or that bishop.<sup>50</sup> He had no scruples in summoning and presiding over episcopal councils,<sup>51</sup> nor in issuing ecclesiastical decrees in multitudes.<sup>52</sup> Even on points of dogma his will was made law.<sup>53</sup> But his authority was rather personal than theoretical. He disposed of benefices,<sup>54</sup> supervised appointments to offices,<sup>55</sup> and sent his ubiquitous *Missi Dominici* to hear complaints against bishop as against count.<sup>56</sup> Not even the Pope was exempt. The Emperor came in person to Rome to hear enquiries on the conduct of Leo III.<sup>57</sup>

<sup>50</sup> Cf. The Monk of St. Gall, *De Vita Caroli Magna*, Lib. I, cap. xiii.

<sup>51</sup> *Vide* Charlemagne's Capitulary of 769 (*M.G.H. Leg.*, Sect. II, Vol. 1, Sect. 10), the 'Capitulare Haristallense' of 779 (*M.G.H. Leg.*, Sect. II, Vol. 1, Sect. 20), and the 'Admonitio Generalis' of 789 (*M.G.H. Leg.*, Sect. II, Vol. 1, Sect. 22). Charlemagne is also said to have summoned, and presided at, the Synod of Frankfurt, 794 (*M.G.H. Leg.*, Sect. II, Vol. 1, Sect. 28).

<sup>52</sup> *Vide* Table of Capitularies in Guizot, *History of Civilisation*, II, p. 302. The Council of Arles in 813 faithfully presented its decrees to the Emperor and invited his correction or consent (Mansi, Vol. XIV, c. 26, p. 62).

<sup>53</sup> For instance, in the controversy on image-worship, Charlemagne with Alcuin's assistance published the *Libri Carolini* which were endorsed by the Synod of Frankfurt in 794 and by the Synod of Paris in 829. Cf. also Charlemagne's controversy on the 'Holy Ghost proceeding from the Father.' The Emperor asserted that 'filioque' should be added: and Leo III was forced to give way.

<sup>54</sup> *Vide* Monk of St. Gall, *Vita Caroli Magni*, passim.

<sup>55</sup> Hincmar admitted the royal right of consent to appointments in his *De Institutione Carolomanni* and in his letters (cf. Ep. XIX, c. 1: Migne, CXXVI, 110). The Synod of Paris, 829, recognised it for Louis the Pious.

<sup>56</sup> The 'Capitula de Causis cum Episcopis et Abbatibus Tractandis' of 811 contained a list of subjects on which bishops and abbots were to be questioned (*M.G.H. Leg.*, Sect. II, Vol. 1, p. 162)

<sup>57</sup> *M.G.H.*, Ep. V, p. 63, Leo III, Cap. v.

Now this practice of subordinating the ecclesiastical authority to the secular was followed to a certain extent by Louis the Pious and Charles the Bald. The bishops themselves in 829<sup>58</sup> recognised the royal right of appointment, and from 818 to 819 Louis the Pious summoned bishops and abbots to councils, and issued capitula on ecclesiastical matters.<sup>59</sup> Moreover, he published in 823 the 'Admonitio ad omnes regni ordines,' wherein he declared it his duty to admonish all men and maintain good conduct among the bishops.<sup>60</sup> The Pope, again, was forced, in 853, to show humble submission to the Imperial Missi.<sup>61</sup> Charles the Bald did likewise. He sent injunctions to his bishops<sup>62</sup> and followed them up with Missi to enquire into complaints.<sup>63</sup> He summoned and presided over synods,<sup>64</sup> and in 845 the synodical canons were still submitted for his approval. It was assuredly often a

<sup>58</sup> *M.G.H. Leg.*, Sect. II, Vol. II, p. 48. *Episcoporum ad Illud. Imp. Relatio*, c. 57.

<sup>59</sup> *M.G.H. Leg.*, Sect. II, Vol. I, p. 273 sqq.

<sup>60</sup> *M.G.H. Leg.*, Sect. II, Vol. I, p. 303.

<sup>61</sup> *M.G.H.*, *Ep.*, V, Ep. Select. Leonis IV, 40, p. 607. Leo IV said that he was willing that the Emperor and his 'missi' should enquire into any charges made against him, and would abide by their decision.

<sup>62</sup> In the 'Capitulare Septimanicum apud Tolosam datum.' Charles forbade the bishops to proceed against priests who had appealed to the Emperor for protection (*M.G.H. Leg.*, Sect. II, Vol. II, p. 256).

<sup>63</sup> The Missi, however, acted with the bishop of each diocese (*M.G.H.*, *Leg.*, Sect. II, Vol. II, p. 266, Cap. Missorum Suessionense).

<sup>64</sup> *M.G.H. Leg.*, Sect. II, Vol. II, p. 347. Synodus Pontigonensis (Ponthion) of 876.



Carolingian practice, though it may not have been their principle, that the secular authority should be supreme.

But, in the second place, despite the practice of the Carolingians, there was a tendency to conceive the secular as subordinate to the spiritual authority.

Ecclesiastical jurisdiction had always trespassed to some extent on secular affairs. The care of widows, orphans, and the poor,<sup>65</sup> was the admitted province of the Church. And if the bishop could intercede for the accused it was obvious that he might sometimes influence the secular magistrate. As early as Clothar II the bishop had power actually to force the count to revise a sentence given contrary to the law and in the absence of the king.<sup>66</sup> And by an order of Lothair in 825 for Italy, counts and ministers of justice were to enforce by secular proceedings all sentences of excommunication. The Church was to succour all who were oppressed: and it could well be asserted that there was no one who was not oppressed in the ninth century.

Moreover, there was the bishops' claim to a censorship of the secular administration—that, as interpreters of the divine laws which were above all human laws,<sup>67</sup> it was for them to reprove and correct even

<sup>65</sup> Cf. Vioilet, *Hist. des Instit. Polit. et ad. de la France*, pp. 380-399.

<sup>66</sup> Cf. Vioilet, *id.*, pp. 385-6. Clothar II was obliged to conciliate the nobles and clergy who had been his supporters.

<sup>67</sup> Cf. Agobard of Lyons (Ep. V, c. 4, in *M.G.H.*, Ep. V, p. 167) and a letter from Siegwald, Bishop of Aquileia to Charlemagne (*M.G.H. Ep. IV*, p. 505, Ep. Var. Carolo Magno Regnante, 8); also Hincmar, 'De Ordine Palatii.'

persons of the highest rank in government. It was repeated often enough in the literature of the time.<sup>68</sup> It was expressed by the bishops in their address to Louis the Pious.<sup>69</sup> It was fully practised when, after the first of the civil wars, they deposed him,<sup>70</sup> and then with the consent of the people restored him.<sup>71</sup> The bishops were not behaving like the vassals of Charlemagne.

These were the two tendencies with which the Pseudo-Isidore was probably familiar, concerning the relation between the secular and ecclesiastical governments. The supremacy of the spiritual over the secular was often the persuasion of the contemporary writer: the supremacy of the secular over the spiritual was sometimes the practice, though not the principle, of the first Carolingians. Charlemagne had encroached upon ecclesiastical affairs because the Church was weak: the clergy of the ninth century were encroaching on secular affairs because the secular government was failing. Therein lay the constitutional muddle of that age. Charle-

<sup>68</sup> 'Illorum est, id est, sacerdotum verba Dei non tacere. Vestrum est, o principes, humiliter oboedire, diligenter implere.' Alcuin (*M.G.H. Ep. IV*, Alcuin, Ep. 18). Cf. Jonas of Orleans in *De Instit. Laic.* II, 20, and Synod of Paris, 829, Lib. III, c. 8 (Mansi, XIV, p. 597, and Hefele, V, p. 265).

<sup>69</sup> *M.G.H. Leg.*, Sect. II, Vol. II, p. 26. Episcop. ad Hludovicum Imp. Relatio, 22.

<sup>70</sup> *M.G.H. Leg.*, Sect. II, Vol. II, Sect. 197. 'Quia potestate privatus erat iuxta divinum consilium et ecclesiasticam auctoritatem.'

<sup>71</sup> See Hincmar on the event, *De Div. Loth. et Tetb.* Nine years after the coming of the False Decretals the bishops were electing Charles the Bald to the throne, and Charles declared that after consecration he could not be deposed save with the judgment of the bishops (*M.G.H. Leg.*, Sect. II, Vol. II, p. 456 sqq.).

magne had had the personal power to check both count and bishop, but Louis the Pious had perforce to charge the count to check the bishop and the bishop to check the count, which added to the civil disorder. The result was that the count sometimes became half bishop and the bishop sometimes became half count.<sup>72</sup>

It is not suggested that the Pseudo-Isidore was conscious of these underlying movements of his age. He would not have generalised, but have particularised. Generally, he would have been aware neither of the collapse of the Carolingian empire, nor of the feudalisation of the Church, nor of the constitutional difficulty of two governmental authorities. But in particular he would have been keenly aware first, of the lawlessness and violence of the times, secondly, of abuses in the ecclesiastical order, thirdly, of the interference of secular persons in spiritual affairs.

<sup>72</sup> For example, Aldric of Le Mans in 840 was expelled by the Abbot of St. Calais, Sigismond, who was more Count than Abbot.

## CHAPTER II

### THE SUBSTANCE OF THE FALSE DECRETALS

IT will be unnecessary to discuss in detail the whole of the law contained in the Pseudo-Isidorian collection. In the first place, only the apocryphal decretals need be considered. That is, there is no real need to make a complete study of the canon law if the Pseudo-Isidore was no real canonist. It is true that he began with the affirmation: 'Compellor a multis tam episcopis quam reliquis servis dei canonum sententias colligere et uno in volumine redigere et de multis unum facere.' But he could not have meant what he said. A serious and painstaking canonist does not compile a collection that is no more complete than any other: nor does he invent canon law when his object is to collate it. Yet the Pseudo-Isidore did both. He made serious and flagrant omissions,<sup>1</sup> and he compiled as many false decretals as he did authentic.<sup>2</sup> His real intentions

<sup>1</sup> There is no mention, for instance, of the governing of rural parishes, nor of ecclesiastical benefices, nor of tithes, nor of simony, nor of monastic life. There is no allusion to the 'Pallium,' nor to privileges and dispensations. Yet the questions of benefices and the governing of rural parishes were of some importance in the age of the Pseudo-Isidore.

<sup>2</sup> In the edition by Hinschius there are about 378 pages of authentic to 375 pages of false matter.

then must be sought, not in the authentic canon law which others had composed, but in that which he himself had composed, that is, in the apocryphal decretals.<sup>3</sup> And in the second place only those texts of the apocryphal decretals need be considered which were the chief anxiety of the Pseudo-Isidore. Certainly these were not the rules concerning conduct, worship, or ritual<sup>4</sup>; nor were they the definitions of dogma. On the former he merely repeated the customary rules of his age,<sup>5</sup> and often repeated them badly, as when he contradicted himself over the prohibition of the marriages of blood relations.<sup>6</sup> Nor did he enlarge upon the doctrinal definitions. He did not even touch upon the predestination controversy raised by Gottschalk.<sup>7</sup> He left it rather

<sup>3</sup> The apocryphal decretals are lamentably confused in form. They pass, without comment, from disciplinary rules to definitions of dogma, or from instruction in ritual to broad ecclesiastical legislation.

<sup>4</sup> He mentions them, but without insistence. For instance, that priests were forbidden to take oaths (H., p. 172); that they were to observe chastity (H., pp. 48 and 140); that bishops were to consecrate the holy oil each year on Holy Thursday, distribute it and destroy the old (H., p. 160); that priests should be instructed to educate 'the faithful' (H., p. 71); that the division of the religious orders should be strictly kept (H., p. 218). These were among the minor reforms of the Carolingian epoch.

<sup>5</sup> For instance, as regards the baptismal rules (H., pp. 710 and 712, Virgilius), the midnight mass, the fasts, and festivals (H., p. 245, Melchiades, and H., p. 109, Telesphorus).

<sup>6</sup> In 813 the Council of Mayence had prohibited these marriages to the fourth degree. According to the Pseudo-Isidore, Popes Felix and Gregory I prohibited them to the seventh degree, and Pope Julius to the fourth degree. Cf. H., p. 140 (Callistus, c. xvi), and Benedictus Levita, II, 130, 133 and 381, and III, 108 and 307.

<sup>7</sup> Gottschalk was condemned in 849 by the Council of Quierzy, on the eve of the publication of the Decretals.

to the authentic councils to set the rules of orthodoxy.<sup>8</sup> In his forged decretals he contented himself with an easy refutation of the erroneous doctrines on the Trinity<sup>9</sup> and the Incarnation.<sup>10</sup>

But on the texts which contain laws affecting, not churchmen individually but the spiritual authority in general, the Pseudo-Isidore laid the greatest stress. It is these that must be considered in detail. Apparently they are of three kinds; defensive texts—protecting the Church against violence from without; constructive texts—providing the Church against abuses from within; and aggressive texts—concerning the relation of the ecclesiastical government to the secular. It is clear that they were ‘forged’ in view of the three particular evils of which, it has been said, the Pseudo-Isidore was keenly aware.

## I.

The defensive texts recur, with marked insistence, throughout all the apocryphal decretals. It has been shown that the secular authority had wholly failed to protect the persons and the property of the

<sup>8</sup> That is, Nicæa (325), Constantinople (389), 1st Ephesus (431), Chalcedon (451). The Synods of Paris in 829 and of Meaux, 845, had issued general canons on the true Faith.

<sup>9</sup> II., pp. 100-101 (Alexander), pp. 105-106 (Sixtus I), and *cf.* p. 189 (Sixtus II) wherein is condemned the heresy that the Son is below the Father.

<sup>10</sup> Especially the Adoptianists' theories :—II., p. 88, (Evaristus); p. 113, (Virgilius); p. 123, (Sotherius); pp. 204-5, (Felix I); p. 206, (Eutiches); p. 215, (Gaius, a passage from St. Leo); p. 705, (Johr II); p. 706, (Agapitus); p. 713, (Pelagius I).

clergy from attacks by enemies at home and enemies from abroad. The Pseudo-Isidore, in his defensive texts,<sup>11</sup> by insisting upon the rules for ecclesiastical trials, and for the sanctity of Church property, plainly told the secular authority its duty. For the most part he did not innovate, but merely elaborated the ancient rules and customs.

In ecclesiastical trials, in the first place, the general provisions of the Pseudo-Isidore were concerned mostly with the cases of bishops. He was brief in his rules for the clerics of lower order. Their trial was not to be held before a secular tribunal,<sup>12</sup> nor before an incompetent ecclesiastical tribunal.<sup>13</sup> It was to be held before the bishop, with an appeal to the provincial council of bishops under the presidency of the Metropolitan<sup>14</sup>. He was strangely silent on an appeal to Rome.<sup>15</sup>

It was otherwise with the trial of bishops. The insistence of the Pseudo-Isidore resulted somewhat in inconsistency. For, while in some texts he upheld the existing law, in others he made an innovation. Now the existing law, on which the

<sup>11</sup> It will be unnecessary to give the references for these canon laws in every case, for they recur persistently throughout the collection.

<sup>12</sup> In practice, the clergy chose a secular representative—a 'defensor' or 'advocatus'—to appear for them before the secular tribunal.

<sup>13</sup> 'Peregrina iudicia generali sanctione prohibemus.' H., p. 167 (Fabianus, c. xxvi). (Cf. Felix, c. xv, H., p. 202). Cf. H., p. 73 (Anacletus, c. xv); p. 114 (Virgilius, c. iv).

<sup>14</sup> Alexander I, H., p. 94 sqq.

<sup>15</sup> As was the seventeenth canon of Sardica, H., p. 269.

Pseudo-Isidore laid stress, held that the bishop's case should come before the synod of the province,<sup>16</sup> with appeal, if necessary, to the Pope.<sup>17</sup> Moreover, if the impartiality of the judge was reasonably suspected, the bishop could refer his case immediately to Rome, without waiting for the council to sit, just as a priest or any lesser cleric who doubted the impartiality, as judge, of his bishop, could appeal directly to the Metropolitan in Synod.<sup>18</sup> Further the existing law held out another way of refuge to the bishop, or priest, accused—the way of 'iudices electi,'<sup>19</sup> chosen by the accused himself from among the bishops of his province. In practice it often meant no more than a trial by the Metropolitan in Synod, at least, when the Metropolitan was like Hincmar, Archbishop of Rheims.<sup>20</sup>

This was the existing law repeated by the Pseudo-Isidore. At one point however he expanded it;

<sup>16</sup> Generally the provincial council consisted of twelve bishops: the Metropolitan, being president, could very largely control its decisions.

<sup>17</sup> Cf. H., pp. 128, 190, 224, 228, 467, 503, &c.

<sup>18</sup> So Hincmar. 'De tuo iudicio iudicati vel iudicandi ad me possunt, et si necessitas eis fuerit ad me provocare debent' (Migne, CXXVI, 312). For bishops, H., pp. 128, 190, 468, 488. Cf. p. 286, c. xvii.

<sup>19</sup> Vide the 3rd Council of Carthage, c. 9 and 10 (H., p. 298) and H., p. 132 (Zephyrinus). Cf. also Lesne, *La Hiérarchie Episcopale*, p. 134, &c.

<sup>20</sup> At the 2nd Council of Soissons Hincmar and the clerks ordained by Ebbo chose as 'iudices electi' some judges from among the bishops present. But these conducted the trial before the entire synod (Lesne, *id.*, p. 136). Finally the Metropolitan presided at the giving of the decision. So again with Rothad, Bishop of Soissons: at the Council of Pistres he chose, or was supposed to have chosen, twelve judges, but they sat in the synod at Soissons and condemned him.



at another he introduced a new feature. He expanded it, inasmuch as he left it for the Pope, upon appeal, to decide where the holding of the final trial should be<sup>21</sup>: that is, he left it for the Pope to say Rome. This was plainly contrary to the canons of the Council of Sardica, of which the seventh canon<sup>22</sup> had ruled that the Pope should appoint a Court of Appeal composed of bishops from the neighbourhood of the accused, and should be represented therein by his Papal Legate. And it is this canon which Hincmar of Rheims insisted on, and had expanded in the contrary direction.<sup>23</sup> But in fairness to the Pseudo-Isidore it must be admitted that there had been cases, from the fifth century onward, in which the Pope had heard the episcopal appeals in his city of Rome. There was a sufficient air of custom about it to satisfy the Pseudo-Isidore.

In another place he made an innovation. According to his ruling, the provincial synod was only empowered to listen to the case of each party in an episcopal trial: that done, it should be referred, inasmuch as it was a 'maior causa,' to the Pope for judgment.<sup>24</sup> It was a procedure certainly not provided for in the ancient canon law. There was enough to suggest it, perhaps, in certain canons of

<sup>21</sup> H., p. 488 (Felix II); p. 128 (Victor); p. 190 (Sixtus II); p. 467 (Julius).

<sup>22</sup> Sardica, Canon vii, H., p. 267.

<sup>23</sup> He even interpreted it to mean that at the new trial those bishops should keep their seats who had attended the old trial (see his letter to John VIII, Migne, CXXVI, 235-6).

<sup>24</sup> H., pp. 125, 128, 132, 190, 459, 460, and 503, &c.

the councils as Nicholas I was at pains to show;<sup>25</sup> but none the less the precise procedure seems to have been a Pseudo-Isidorian invention.

With these general rules on ecclesiastical trials the defence of a bishop was made particularly easy. With minor rules on procedure besides, the condemnation of a bishop was made particularly difficult. Consider, for instance, the rules concerning accusations. They must not be in writing but by word of mouth.<sup>26</sup> No layman could bring a charge against a bishop, nor any cleric against his superior, nor anyone against anybody, unless he had been proved to have lived an irreprehensible life. And to condemn a bishop it needed seventy-two witnesses<sup>27</sup> who were to be of equal merit with the accuser—which was obviously too impossible to be enforced. Further, the Pseudo-Isidore insisted that accusers and accused must be present; the meeting of the Synod must be full; the accused must be put to no undue vexation. Indeed, by the plea of 'actio spolii'<sup>28</sup>—the plea that he had been dispossessed—the bishop could avoid trial until his restoration, or, if he could not be restored, until his translation to

<sup>25</sup> For instance, cap. ix of the Council of Chalcedon (H., p. 285; cf. Migne, CXIX, 944-5, and J. Roy, *Saint Nicholas I*, Appendix II).

<sup>26</sup> H., pp. 136 and 138 (Callistus, c. iii and viii) and passim.

<sup>27</sup> There was an old custom that a bishop might only be condemned by a council of seventy or seventy-two bishops—perhaps an allusion to the seventy-two disciples. The Pseudo-Isidore added to the confusion by applying the number to witnesses.

<sup>28</sup> H., p. 133 (Zephyrinus, c. xii) and passim. 'Spoliatus ante omnia restituendus' is constantly recurring.

another see.<sup>29</sup> If confessions were made, they must be freely given, and not forcibly extorted,<sup>30</sup> and the lapsi, who have so confessed and done their due of penance, should be restored even to their former stations.<sup>31</sup> Finally, in a series of general exhortations, the Pseudo-Isidore, through the mouthpiece of his Popes, declared that the debates should be conducted with strict impartiality; the judges should play the rôle neither of accusers nor of witnesses; and a convenient delay should be granted to the accused before his trial, lest he should be distressed by the 'malice' of his accusers. In other words, the Pseudo-Isidore made episcopal trials as difficult and as irksome as he could. Clearly, he had in view the bishops condemned by kings and nobles for political reasons or by Metropolitans from motives of revenge.

In the second place, the defensive texts maintained the sanctity of Church property. The Pseudo-Isidore saw to it with many a homely and pious exhortation. He appears to have been anxious that the clergy should have all worldly possessions in common.<sup>32</sup> In any case, he declared it to be sacri-

<sup>29</sup> H., p. 152. The Isidorian text was invoked to excuse the transfer of Formosus from the See of Porto to the See of Rome.

<sup>30</sup> 'Scripturae per metum aut fraudem aut vim extortae' (H., p. 97) were invalid.

<sup>31</sup> Hincmar endeavoured to upset this doctrine (see Appendix I, ii).

<sup>32</sup> H., pp. 65 (Clement) and 143-4 (Urban). The passage in the Acts of the Apostles (Ch. IV, 32) is cited five times in the False Decretals (H., p. cxx), and pertinently, inasmuch as many of the clergy were rich and bishops were often disputing with their chapters over Church property.

lege to lay hands upon the goods that had been consecrated to God.<sup>33</sup> A layman, however godly his intentions, was forbidden ever to dispose of them. But if these laws were more pious than practical, the Pseudo-Isidore was wise enough to reiterate the cry 'spoliatus ante omnia restituendus.'<sup>34</sup> A dispossessed prelate must needs be restored to all his possessions before he could be brought to trial. It was the most effective law that the Pseudo-Isidore could repeat for the protection of the property of the Church. Without the aid of the secular authority he could do no more.

With such defensive texts as these the Pseudo-Isidore clearly had in mind what was for him the foremost evil of his time, the failure of the secular authority to protect the persons and property of the clergy. For the most part he had repeated custom. Where he had expanded it, it was not without some legal justification; where he had definitely departed from it, it was not without the practical justification of the urgency of protecting the Church in a period of civil anarchy. It was left, unfortunately, for the secular authority to carry into effect, of which, the Pseudo-Isidore may have realised, there was little likelihood.

## II.

The constructive texts, secondly, which are pertinent to the disorganisation, administrative and hier-

<sup>33</sup> H., p. 144.

<sup>34</sup> H., p. 133 and passim.

archical, of the ecclesiastical authority, are not so obviously put, and at times are confusedly put.

The administrative disorganization, which was the direct result of the civil wars, was beyond the remedy of the Pseudo-Isidore. He piously affirmed that the ecclesiastical boundaries of parish, diocese, and province were unalterably fixed, at a time when they were invariably divided at each partitioning of the Carolingian empire. For the rest, he enjoined upon all bishops and Metropolitans that there was to be no encroaching of the one on the boundaries of the other. 'Nemo alterius terminos usurpet . . . ne transgrediaris terminos antiquos quos posuerunt patres tui.'<sup>35</sup>

But against the disorganisation in the ecclesiastical hierarchy, for which the spiritual authority was directly, and the secular authority only indirectly, responsible, the Pseudo-Isidore could use more effectively the assumed authority of the Papal See. To meet disorganisation he drew a picture of ideal organisation. He represented what he thought to be the ancient order that had existed from all time. This was the gist of his constructive texts in the False Decretals.

According to the Pseudo-Isidore there was, first, the priest, the 'life tenant'<sup>36</sup> of the territorial division of the parish. As the seventy-two disciples were chosen to aid the apostles, so were the priests chosen to be the auxiliaries of the bishop.<sup>37</sup>

<sup>35</sup> H., pp. 138 (Callistus) and 196 (Dionysius).

<sup>36</sup> H., p. 82 (Anacletus), 'in ea diebus vite sue durandus.'

<sup>37</sup> H., pp. 79, 82, and 512.

Above the priest, with no intermediary, the Pseudo-Isidore put the bishop, with diocese of fixed territorial boundaries. For him the bishop was the pillar of the Church, and every man was 'to love him like his own soul.'<sup>38</sup> He had no good word for any auxiliary bishop, such as the Chorepiscopus.<sup>39</sup> Whether the Chorepiscopus was established in an episcopal see, or in any other specified district,<sup>40</sup> the Pseudo-Isidore appears to have looked upon him as an intruder in the ecclesiastical hierarchy, appointed only by such bishops as were devoted to a life of leisure or of secular pursuits. The Chorepiscopus was not ordained by three bishops but by one<sup>41</sup>: he was not attached, even if properly ordained, to any separate city.<sup>42</sup> Therefore, according to the Pseudo-Isidorian texts, he had no claims to legitimate

<sup>38</sup> H., p. 145, 'et eos ut animas vestras diligatis.'

<sup>39</sup> There are two other classes of bishops whom the Pseudo-Isidore confusedly called 'chorepiscopi.' (a) There is the bishop with a vague ordination, who is not established in any determinate city (Damasus, p. 512). (b) There is the bishop established in a small country town (Damasus, p. 512), though on p. 82 (Anacletus) and p. 39 (Clement) the Pseudo-Isidore does not call him a chorepiscopus. These two classes (a) and (b) he condemned because there should only be one bishop in a single city and no bishop in any other place but a city.

<sup>40</sup> H., pp. 510-511. Cf. Benedictus Levita II, 121.

<sup>41</sup> H., p. 512.

<sup>42</sup> H., p. 512 (Damasus). 'Aliud, si pluribus episcopis sunt ordinati et aut in villa aut castello seu in modica civitate aut omnino non in eo loco prefixi, quo iuste episcopi fieri debent aut dudum non fuerunt ubi non vilescat auctoritas et nomen episcopi, aut si in civitate cum altero, cum, ut praedictum est, in una civitate duo non debeant consistere episcopi.' Cf. H., pp. 628 (Leo), 715 (John III), and 438 (2nd Council of Seville).

episcopacy. The Pseudo-Isidore, as has already been explained,<sup>43</sup> was probably wrong. It was one thing to take exception to the usurpations of the Chorepiscopus: it was quite another to take exception to their existence.<sup>44</sup>

Above the bishop was the Metropolitan Archbishop,<sup>45</sup> in whose province the episcopal dioceses were grouped. As the powers of the Chorepiscopus, so the powers of the Metropolitan Archbishop were apparently regarded by the Pseudo-Isidore with some disfavour. He possibly considered both to be prejudicial to the dignity of the bishop. And just as he purged the bishop of the taint of the Chorepiscopi, so he determined to rescue him from the dominance of the Metropolitan.<sup>46</sup>

First, the Pseudo-Isidore limited the Metropolitan's power over the province.<sup>47</sup> It was to be ruled by a

<sup>43</sup> See Chapter I, p. 10.

<sup>44</sup> The Councils of Paris, c. 27 (829), and Meaux, c. 44 (845), were more reasonable in reducing the powers of the chorepiscopus. Cf. Hefele, V, p. 258, and Mansi, XIV, 556 (Paris), and (for Meaux) Hefele, V, 317, and Mansi, XIV, 829.

<sup>45</sup> Thomassin, in *Discipline de l'Eglise*, Part II, Lib. I, Chaps. 5 and 6, discusses the relation between Metropolitans and Archbishops, in which he shows that in the Eastern Church the Metropolitan ranks above Archbishops and next below the Patriarch, and that in the Western there is little distinction between Metropolitan and Archbishop. But it may be taken that, as a general rule, the Metropolitan was the Archbishop of the chief city of the Roman Province, and as such had precedence over other Archbishops.

<sup>46</sup> Viollet, *Histoire de Institutions politiques et administratives de la France* (p. 343) is, of course, inaccurate when he says: 'l'auteur des Fausses Décrétales fut certainement préoccupé de la même pensée (à restaurer les droits des métropolitans).'

<sup>47</sup> The province numbered ten to twelve churches (cf. H., pp. 22 and 121).

regular provincial Synod, not by the Metropolitan.<sup>48</sup> Though the Metropolitan presided over the Synod, yet he was not to direct its debates, nor to pass any decision without the presence and the acquiescence of every comprovincial bishop.<sup>49</sup> If he did, he was to receive correction from the Pope or the Synod itself for his contumacy: <sup>50</sup> and, if he became incorrigible, he was to be divested of all authority by the Roman Pontiff.<sup>51</sup> Not only that, but the Pseudo-Isidore had deprived the Metropolitan of any jurisdiction over the suffragan bishops,<sup>52</sup> and of any control over their election, which was to lie with the 'boni sacerdotes et spiritales populi.' It was forbidden him to take action at all, outside his own diocese, without the consent of the suffragan bishops.<sup>53</sup> He was to behave humbly towards them, as he would to colleagues, and with conciliation.<sup>54</sup> In other words, he was to be rather a 'primus inter pares' of

<sup>48</sup> Previously there had been no obligation for the regular holding of provincial councils. But the law of the Pseudo-Isidore in this matter never became the rule.

<sup>49</sup> H., p. 176 (Lucius iii and iv); p. 114 (Viginus ii); p. 502 (Damasus viii); p. 139 (Callistus xiii). The bishops, however, must also gain the consent of the Metropolitan.

<sup>50</sup> H., p. 121 (Anicetus, iv).

<sup>51</sup> H., p. 121 (Anicetus, iv) and p. 139 (Callistus, xiii).

<sup>52</sup> That is, if the bishop received any harm from the Metropolitan, he could appeal at once to the Pope (H., pp. 128, 190 and 468). And, in any case, he could avoid the Synod and the Metropolitan by the reservation of his suit to Rome as 'maiora negotia' (H., pp. 125, 128, 132, 190, 502-3).

<sup>53</sup> H., p. 139 (Callistus, xiii) and p. 502 (Damasus, viii). (Cf. Cap. Angilram, xlili, p. 765, and Benedict. L. iii, 358).

<sup>54</sup> H., p. 139 (Callistus, xiii).



the Roman epoch<sup>55</sup> than a Metropolitan of the ninth century.

Secondly, the Pseudo-Isidore put further limits on the Metropolitan authority by setting over him, and immediately below the Pope, the order of Primates.<sup>56</sup> Their name may have been familiar to the Pseudo-Isidore in the canons of the African councils.<sup>57</sup> Their constitution may have been suggested to him by the councils of the East which recognised an order of Patriarchs above the Metropolitans. He may, indeed, have thought that Primacies were proper in Gaul, seeing that the Archbishops of Arles claimed a traditional authority, and Drogo, Archbishop of Metz, had exercised in the name of Sergius II extraordinary powers, over the Frankish Church.<sup>58</sup> But Primacies had never been definitely and regularly

<sup>55</sup> There were however isolated provisions which could be construed in favour of the Metropolitan (see Chap. V, p. 86).

<sup>56</sup> H., pp. 39, 79, 82, 83, 121, 128, 185, 468, 480, 487, &c. But the Pseudo-Isidorian texts are very confused; some appear to be quite unfavourable to the order of Primate. For a discussion on the relation between Primates and Archbishops, see Thomassin, *Discipline de l'Eglise*, Part II, Lib. I. chap. 7.

<sup>57</sup> For example, 4th Council of Carthage, c. iv (H., p. 307). It really referred to a Metropolitan, but the Pseudo-Isidore took it to mean a Primate. Cf. also 3rd Council of Carthage, c. vii (H., 297), c. xxviii (H., p. 299), and 2nd Council, c. xii (H., p. 296).

<sup>58</sup> The Metropolitan Archbishop of Arles seems to have been vaguely recognised as the perpetual Papal Vicar in Gaul (cf. Migne, LXIX, 407; Letter of Pelagius I to King Childebert I.). But his powers were shadowy and rarely exercised. It was rather a personal, and empty, honour conveyed by the Pope on each Archbishop of Arles succeeding to the Metropolitan See (Cf. Thomassin, *Discipline de l'Eglise*, I, pp. 163-6; and Viollet, *Hist. des Instit. polit. et administrat. de la France*, I, pp. 339-340). Drogo's was a Vicariate of convenience. It was a condition laid down by Lothair in recognizing Sergius II that he should appoint Drogo Legate over all the Frankish bishops.

established, and doubtless the first object of his proposal was to limit the functions of the Metropolitan and to establish a power behind them to check their authority. The Primate of the False Decretals, for instance, had authority to judge the cases of Metropolitans, and to hear appeals from the Provincial Synods.<sup>59</sup>

Finally, above the Primate was the Pope. The Pseudo-Isidore had no place for the national council to which Hincmar inclined in his struggle against Nicholas I. In the texts of the False Decretals the provincial, let alone the national, council was only constituted by and under the authority of Rome.<sup>60</sup> The Pope was the apex of the Pseudo-Isidorian hierarchy.

These were the constructive laws in the apocryphal decretals. The Pseudo-Isidore, in place of the disorganisation of his own age, set out what he conceived to be the old and rightful order. His reply to the abuses in the powers of Chorepiscopus and Metropolitan was to disallow the authority of the one and limit the authority of the other. Moreover in his hierarchy the Primacy, an ancient order, returned. His conception of reform for the future was certainly a return to the customs of the past.

### III.

Finally, there is to be considered the third class of texts, which, though very uncertain in their expres-

<sup>59</sup> H., p. 121 (Anicetus, iv); p. 128 (Victor, vi); p. 185 (Stephen, x); (*cf.* Capit. Angil, p. 760, c. v; p. 763, c. xxv; and Benedictus Levita, III, 89, and II, 381).

<sup>60</sup> H., p. 720-1 (Pelagius II).

sion, could be construed as aggressive. Their logical conclusion, if it be intended, would be the subordination of the secular authority to the ecclesiastical. They would in fact decide the third evil of which the Pseudo-Isidore was witness, the confusion and the conflict between the two governmental authorities, at the expense of the secular. That is why, in contrast with the other kinds of texts, they appear, in character, aggressive.

The Pseudo-Isidore took his stand upon the side of ancient custom and the theory of contemporary writers, which meant ecclesiastical independence, as against certain practices, which meant secular interference, of the Carolingian emperors.

In the first place, his texts made the ecclesiastical authority, within its own sphere, supreme. The layman, for instance, was to have no shade of influence over ecclesiastical affairs. He could not bring a charge against a priest,<sup>61</sup> nor dispose of Church property,<sup>62</sup> nor perform any part of a spiritual office. The secular authority again was to have no shade of influence in ecclesiastical government. Where before it was the Emperor or his representative, now it was the Pope or his representative, who was to

<sup>61</sup> This provision is really due to the peculiar circumstances of the age. Clerics and laymen were of different judicial status: clerics were judged according to Roman Law, while many laymen were subject to Germanic law: and the procedure in these two systems were different. And, since the layman often refused to recognise clerics as having a right to accuse them in their courts, so clerics would retaliate and claim that laymen were incompetent in clerical courts. However, a 'modus agendi' in this difficulty was generally found.

<sup>62</sup> H., p. 144, and passim.

have the final word. In legislation, for instance, it was forbidden the King or Emperor, of his secular authority, to summon—as Charlemagne had summoned—ecclesiastical synods.<sup>63</sup> It was for the Pope to summon the provincial councils,<sup>64</sup> to be represented therein by legates,<sup>65</sup> and to have the power of approving their decisions.<sup>66</sup> In jurisdiction, a secular tribunal was forbidden to hear the trials of bishops.<sup>67</sup> They were to be referred as ‘maiores causae’ to the Pope. The Frankish clergy were competent to manage their own affairs. If they needed protection they were to turn to the Bishop of Rome, instead of to the Frankish King.

But, in the second place, there are certain texts which would apparently imply that the ecclesiastical authority was supreme even outside its own sphere. They are based upon the maxim, ‘Spiritualis autem iudicat omnia: et ipse a nemine iudicatur.’ The Pseudo-Isidorian clergy were the mediators between God and man, the ‘familiares Dei,’ subject to no earthly tribunal and responsible to none save God. It was not for the laity to reprove them or accuse them: it was indeed a sacrilege for a bishop to be charged ‘a plebe aut vulgaribus hominibus.’<sup>68</sup> It

<sup>63</sup> H., p. 228.

<sup>64</sup> H., pp. 471, 479, 503, 721, and passim.

<sup>65</sup> H., p. 471.

<sup>66</sup> H., p. 471.

<sup>67</sup> H., pp. 114, 202, and 214. This is borrowed from the Theodosian Code, which granted the immunity to clerics for minor faults only.

<sup>68</sup> H., p. 91 (Evaristus, c. ix); cf. p. 136 (Callistus, c. iii) and p. 117 (Pius, c. iv).

was rather for the clergy to see justice done to every class and station of mankind.

For instance, in matters of jurisdiction it was an acknowledged custom that the oppressed could appeal to the jurisdiction of the Bishop<sup>69</sup>; and where both parties were willing they could invite the bishop to settle their dispute. But the Pseudo-Isidore boldly said that Christians should bring their suits to the Church for adjudication.<sup>70</sup>

And again in affairs of State it was admitted that the clergy were the interpreters of the Divine Laws, to which all human laws must conform. But the Pseudo-Isidore plainly affirmed that they held a moral censorship over the acts of the secular government. If a king or noble went contrary to the Divine Laws, his action was null and void and he himself was liable to the discipline of the Church.<sup>71</sup> The bishop, in particular, was chief censor. King and subject were to act humbly towards him<sup>72</sup> on pain of excommunication.<sup>73</sup> The clergy were the

<sup>69</sup> H., p. 74 (Anacletus, c. xvi), 'Omnis enim oppressus libere sacerdotum, si voluerit, appellet iudicium et a nullo prohibeatur.'

<sup>70</sup> H., p. 221 (Marcellinus, c. iii), 'Quicumque ergo contentiones inter cristianos horte fuerint ad ecclesiam deferantur et ab ecclesiasticis viris terminentur.'

<sup>71</sup> H., p. 222 (Marcellinus, c. iv), 'Non licet ergo imperatori vel cuiquam pietatem custodienti aliquid contra mandata divina presumere . . .'

<sup>72</sup> Clement H., p. 43, c. xxxix, 'Omnes principes terrae et eunotos homines eis obaedire et capita sua submittere eorumque adiutores existere praecepibat.' The Pseudo-Isidore is not far from the right of bishops to depose kings. In 859 Charles the Bald said he would not be dethroned until 'heard and judged by the bishops.'

<sup>73</sup> 'Excommunicatos nullus recipiat . . . nec cum eis communicet.' The old canons of 'excommunication' had been revived by Charlemagne—with this difference, that he made it a secular law as well as an ecclesiastical (*cf.* H., p. 159).

ordained of God; therefore, it seems, they were to be above all other orders in Society. It was the logical conclusion of the saying often quoted by the Pseudo-Isidore—the slave is not above his master.<sup>74</sup>

Whether or no the Pseudo-Isidore really meant what his words implied need not now be discussed. It is sufficient to say that logically they could imply the supremacy, as well as the independence, of the spiritual authority.

The lively repetition of the first kind of texts, the defensive, is proof that the Pseudo-Isidore's chief anxiety was the protection of the persons and property of the Church. The insistence on the second kind, the constructive, is witness that he was at least concerned in perfecting the organisation of the ecclesiastical hierarchy. The uncertainty of the third kind, the aggressive, is warning that, even if his words can be construed as aggressive, it is not safe to conclude that of his ambitions.

<sup>74</sup> See H., p. 117 (Pius I), p. 136 (Callistus), and p. 165 (Fabianus).

## CHAPTER III

### THE INFLUENCE OF THE FALSE DECRETALS

THE influence of the Pseudo-Isidorian law may be traced more precisely by keeping to its three separate characters.

The defensive laws, in the first place, had no immediate effect. The authority of early Popes, which the Pseudo-Isidore had assumed, counted for nothing with the secular government. There was still the same plunder of church property<sup>1</sup> and the same disregard of priestly authority. The annals continue to tell of civil wars, of pillaging by counts and rapine by the Danes:<sup>2</sup> the episcopal synods continue to plead unsuccessfully for reform.<sup>3</sup> At Quierzy in 858 the

<sup>1</sup> The *Annales Bertiniani* draw a picture of kings continually lavishing the lands of the Church on their supporters or on likely supporters. Charles the Bald particularly so offended. In 882 he even seized the treasures and revenues of Metz (*M.G.H. Script. I*, p. 514). And Louis the German, in his invasion of 858, scattered abbeys and bishoprics freely among the deserters from Charles the Bald (*M.G.H. Script. I*, p. 452).

<sup>2</sup> *Ann. Bertin.*, 852-879, show the increasing success of the Danish invasions. Towns and monasteries were everywhere sacked and tribute was exacted. In 886 Charles the Fat had to relieve the siege of Paris with 700 lbs. of silver. His illness made him powerless to maintain order against rebel or invader (*Annales Fuldenses*, *M.G.H. Script. I*, p. 404, &c.).

<sup>3</sup> The synod of Valence, 855, c. 8 and 9 (Mansi, XV, 7-8; cf. Hefele, V, 402) forbade the spoliation of Church property: but it was of little use in the civil wars of 858.

bishops were complaining of the ravages of Louis the German;<sup>4</sup> at Savonnières, a year later, of the ravages of the Bretons.<sup>5</sup> The looting of churches was carried on with the same regularity by Frankish and foreign arms.

The bishops had not failed to cite the Pseudo-Isidorian texts on the immunity of church property. They had done so in 860 at the Synod of Tousi<sup>6</sup>; and in 878 they had called upon the Pope, as the Pseudo-Isidore had taught them, because it was idle to call upon the Emperor.<sup>7</sup> But there is no evidence that Danes, or barons, were at all moved by the laws of the Pseudo-Isidore or by the excommunications of the Pope.<sup>8</sup>

The ninth century in fact closed in amidst civil wars and invasions. While the Danes poured into France and Germany, the Saracens harried the

<sup>4</sup> Mansi, XVII, App. 69; *cf.* Hefele, V, 409. This synod cited the False Decretals on the immunity of Church property.

<sup>5</sup> Mansi, XV, 532; *cf.* Hefele, V, 414, Canon 9.

<sup>6</sup> Mansi, XV, 559, c. 4 and 5; *cf.* Hefele, V, 426. In 862, again, the Synod of Pistres (Mansi, XV, 635; *cf.* Hefele, V, 468) drew a pathetic picture of the desolation of the kingdom of Charles the Bald. Further canons against the violation of Church property were issued from the synods of Pistres, 869 (Mansi, XVII, App. 114; Hefele, V, 602), of Douci in 874 (Hefele, VI, 84), of Ponthion in 876 (Mansi, XVII, 307; *cf.* Hefele, VI, 90), and of Ravenna in 877, c. 15-17 (Mansi, XVII, 337, &c.; Hefele, VI, 98).

<sup>7</sup> At the Synod of Troyes (Mansi, XVII, 345; Hefele, VI, 104) John VIII issued a Decretal excommunicating those who plundered the Church.

<sup>8</sup> At the Synod of Fîmes in 881 was described the havoc from the Danes and from the Counts. The King, it was said, had a great number of 'comparticipes atque aemulos,' that is, the feudal lords, whom he governed in name rather than in reality (Mansi, XVII, 553, c. 8; *cf.* Hefele VI, 117).



Mediterranean coast and Hungarians swarmed over Germany. It was the nadir of civilization.

The tenth century was the darkest of the dark ages.

But the Pseudo-Isidorian texts remained, and when order came in the eleventh century, with Kings of some authority on the throne, and a Hildebrand on the Papal See, the Pseudo-Isidore was remembered and pointed at by the clergy as a precedent for their pretensions. Therein lay the irony of history. In the ninth century, when the Church had fallen upon bad days, the defensive texts of the Pseudo-Isidore were ignored: in the eleventh century, when the Church had fallen upon good, they were remembered.

## II.

Concerning the constructive texts, it must be considered how far the Pseudo-Isidorian conception of the ecclesiastical hierarchy was adopted in the practice of the ninth century. There was no inherent difficulty in the way. The success of the defensive texts did indeed depend upon the secular authority which was quite unable to enforce them: the success of the constructive texts merely depended upon the Frankish clergy, who were quite open to accept them. The fact that they did not, makes the failure of the Pseudo-Isidore the more pronounced.

There are three points to be argued.

In the first place, there is the order of the Chorepiscopus, for whom the Pseudo-Isidore had no excuse in his ideal hierarchy. It has been suggested that the Chorepiscopus thereafter lost favour and declined. It may be true that the Pseudo-Isidorian texts were echoed. The chronicler of the 'Acta Pontificum Cenomannis in urbe degentium' may have felt bound to excuse the existence of some Chorepiscopi at Le Mans. But, on the other hand, there was no general revulsion of feeling, after the spread of the Pseudo-Isidorian collection, against the Chorepiscopi. There was a dislike for its extreme doctrines, and a tendency, shown in the letters of Nicholas I, to tone them down. Moreover, the decline of the Chorepiscopi was due to other reasons than the Pseudo-Isidorian influence. It was due for the most part to the rise of the archdeacon, who usurped the place of the Chorepiscopus and became the vicar of the bishop.<sup>9</sup> If the Chorepiscopus died, it was chiefly because he had become useless. There is no evidence that he was killed by the Pseudo-Isidore.

In the second place there is the order of the Metropolitan Archbishop, whose authority the Pseudo-Isidore had limited. It has been argued again that popular opinion was thereby turned against the power of the Metropolitan,<sup>10</sup> and proof is apparently

<sup>9</sup> Viollet, *Histoire des Institutions politiques et administratives de la France*, p. 350-1. In the ninth century, the archdeacons, in some dioceses, had already become avaricious, and it is strange that the Pseudo-Isidore ignored them.

<sup>10</sup> For instance, by C. H. Lea, in *Studies in Church History*.

sought in the quarrels of Hincmar, Archbishop of Rheims. But the attacks on Hincmar are not attacks on the Metropolitan authority in general, but upon Hincmar personally. Consider his quarrels in detail. In the first—with his predecessor, Ebbo<sup>11</sup>—the clerks ordained by Ebbo were never leaders of a popular movement. At the council of Soissons in 853 twenty-six suffragan bishops supported their Metropolitan. They refuted the charges levelled against Hincmar; they condemned the restitution of Ebbo by Lothair; they deprived of their orders the clerks whom Ebbo had ordained. And it was a suffragan, Pardulus, Bishop of Laon, whom Hincmar chose to have as judge, with two archbishops, between him and his enemies.<sup>12</sup> Indeed, the same unwavering support was extended by the bishops at the third council of Soissons in 866<sup>13</sup> and

<sup>11</sup> See Chapter V, p. 73.

<sup>12</sup> The Second Council of Soissons (853) (Mansi, XIV, 984 sqq.). The clerks of Ebbo, knowing that none of the suffragans of Hincmar would support them, called in a bishop from a neighbouring province—Prudentius of Troyes. And when they produced a forged document, in which the suffragans of Ebbo acknowledged having entered in communion with him after his restoration, the suffragans one and all declared it to be a lie; and among them was Rothad, Bishop of Soissons. The Council, in eight sessions, decided that Hincmar had been canonically elected to the see of Rheims and that Ebbo's actions during the pretended reintegration were null and void. Hincmar, and the archbishops of Sens and Tours, thereupon condemned the ordinations of the clerks as invalid (*cf.* Hefele, V, 388 sqq.).

<sup>13</sup> Mansi, XV, 712 sqq.; *cf.* Hefele, V, 531 sqq. Four libelli were read out by Hincmar at this council, and a letter was sent, in the name of the assembled bishops, to Nicholas, to the effect that they could not restore the clerks owing to the decrees of Benedict III and Nicholas himself; but that the Pope could, if he so desired. Nicholas replied with a batch of letters to everyone of importance in Gaul, and Hincmar reinstated the clerks and submitted.

again at the Synod of Troyes in 867.<sup>14</sup> There was no suggestion in this first quarrel of any general, or episcopal, feeling against the Metropolitan authority.

Nor is there a sign of it in Hincmar's second quarrel—with Rothad, Bishop of Soissons. Rothad had sought the aid of the Pseudo-Isidorian decretals: yet it was the suffragans of Hincmar who deposed him in 861 at the provincial Synod of Soissons. Though he was restored, it was no witness to any feeling hostile to the Metropolitan: it was witness merely to the personal triumph of Nicholas I. Rothad was the leader of no party and voiced no mass of opinion. His opposition was purely personal. As the oldest bishop of the Province he objected keenly to this 'upstart' Archbishop of Rheims.<sup>15</sup>

Again, in the third quarrel—with his nephew Hincmar, Bishop of Laon—the Metropolitan of Rheims had the support of all his suffragans. They gave it at the Synod of Attigny in 870.<sup>16</sup> A year later, at the Synod of Douci, they condemned the Bishop of Laon, inasmuch as he had withstood the

<sup>14</sup> Mansi, XV, 789; *cf.* Hefele, V, 546 sqq. The bishops came to the Council in favour of Ebbo, but Hincmar pleaded successfully with them, and persuaded them not to give any definite decision.

<sup>15</sup> Rothad is not always in agreement with the False Decretals. He does not (like the Pseudo-Isidore) favour provincial synods: he does not even appear at them—for which offence there was a penalty in the law of the False Decretals.

<sup>16</sup> Mansi, XVI, p. 562; *cf.* Hefele, VI, 63. At this Council the two Hincmars brought documents. The defence of Hincmar of Laon rather collapsed when his own diocese put in an accusation against him of robbery. The Council supported the elder Hincmar, although he had rheumatism at the time and was unable to make speeches.

legitimate authority of his Metropolitan.<sup>17</sup> Hincmar of Laon had also invoked the False Decretals—on the contumacy of Metropolitans.<sup>18</sup> But he had invoked them not through any loyalty either to their doctrines<sup>19</sup> or to any party standing for those doctrines<sup>20</sup>: but rather through his own inconstant nature.<sup>21</sup> Nevertheless it sets again on record that the collection of the Pseudo-Isidore roused no reaction against the dominance of the Metropolitan.<sup>22</sup>

<sup>17</sup> Mansi, XVI, pp. 578 sqq.; cf. Hefele, VI, pp. 73 sqq. Hincmar of Laon had been summoned three times to the Synod, and each summons was given to a suffragan bishop—Hildebald of Soissons, John of Cambrai, and Rainelme of Tournai. Hincmar of Rheims, in 35 capitula, demanded the condemnation of his nephew. The bishops agreed to depose him according to the canons of Sardica and the decretals of Popes Innocent, Boniface and Leo.

<sup>18</sup> At the meeting of Gondreville in 869 Hincmar of Laon presented a memorandum of charges against his uncle. It contained quotations from the apocryphal decretals of Alexander, Sixtus, Hyginus, Anicetus, Julius and Gregory, hostile to the Metropolitans. Hincmar of Rheims replied with 55 Capitula, of which Cap. 10 asserted that the quotations from the apocryphal decretals contradicted the holy canons and should therefore be anathema; and Cap. 11-15 cited other quotations which pointed to the subordination of bishop to Metropolitan.

<sup>19</sup> Though he quoted from Anacletus, Zephyrinus, and Pelagius (Migne, CXXVI, 330-2, 332-3, and 343), yet he was guilty of misappropriating ecclesiastical goods (Migne, CXXVI, 499), and he carried his case to a tribunal in which sat a royal 'fiscus' agent and two 'maiores' of royal villages—which, according to the Pseudo-Isidore, was a heinous crime.

<sup>20</sup> Hincmar of Laon himself denied having any party to lead (Lesne, *Hincmar et l'Empereur Lothair in Revue des questions historiques* (1905), LXXVIII, 6 and 7).

<sup>21</sup> Lesne, *La Hierarchie Episcopale*, p. 221, describes him as 'vaniteux, présomptueux, impatient de toute règle.'

<sup>22</sup> There were many more examples of Hincmar of Rheims' popularity with his suffragans. On one occasion he wrote to John of Cambrai, thanking him for his services: Eudes of Beauvais was 'his very dear son.' Hildebald confessed on his death-bed to Hincmar desiring not to quit this world without the absolution of the Metropolitan. The only attacks on Hincmar were from outside his province.

In the third place, there is the order of Primates, which, according to the Pseudo-Isidorian hierarchy, was to be set above the Metropolitan and immediately below the Pope. It might have appealed to the Frankish bishops if only because it checked the Metropolitan. It was, however, universally rejected.

Hincmar of Rheims had been emphatic enough in his own repudiation. Lothair, for instance, had entreated Leo IV to bestow on Hincmar a Vicar's (or a Primate's) powers of judging archbishops, bishops, and abbots. He not improbably held a Primate to be after the manner of a Papal Legate—such as the Metropolitan Archbishop of Arles<sup>23</sup> or Drogo, Archbishop of Metz.<sup>24</sup> But Hincmar was not interested,<sup>25</sup> and made no objection when Leo refused and sent the pallium in substitution.

Again, in 873, when the Archbishop of Trèves, had claimed the title of Primate,<sup>26</sup> Hincmar wrote at once to Nicholas I that the only Primate he recognised was the Pope and that the Metropolitan was otherwise sufficing. He had no need of any primate's consent, he declared, to consecrate his bishops or to be ordained by them himself. Had he not received the pallium from the Pope? The

<sup>23</sup> See p. 33, n. 58.

<sup>24</sup> At the Council of Ver the bishops of Charles' kingdom rejected the 'missus sancti Petri' (cf. Lapotre, *Jean VIII*, 259; and Lesne, *Hincmar et l'Empereur Lothair* in *Revue des questions historiques*, LXXVIII (1905), pp. 6-7.

<sup>25</sup> Lesne, *Hincmar et l'Empereur Lothair*, id., pp. 35-37.

<sup>26</sup> Flodoard, *Historia Remensis Ecclesie*, Lib. III (M.G.H. *Script.* XIII, p. 514).

opinion of the time went with Hincmar against the law of the False Decretals.

Equally emphatic had been the repudiation of the Primacy by the bishops themselves assembled in Council. Charles the Bald in 876 had demanded from John VIII a Papal Vicariate for Ansegisus, Archbishop of Sens. The bishops, at the Council of Ponthion,<sup>27</sup> feared that it might permanently and regularly establish the order of Primates in Gaul. They would therefore have none of it. John VIII, who had imagined nothing but a Papal Vicar in the demand of Charles the Bald,<sup>28</sup> had to bow before the episcopal storm. Two years later another Vicar was proposed in the person of the Archbishop of Arles. A second time the bishops of Gaul imagined a Primate to be intended, and a second time the Pope gave way.

The more immediate influence of the constructive law of the Pseudo-Isidore must therefore be considered negligible. The ecclesiastical hierarchy in Gaul was in no way immediately affected by the ideal hierarchy in the False Decretals. The Pseudo-Isidore enlisted no general sympathy in his condemnation of the Chorepiscopus, nor in his attack upon Metropolitans, nor in his advocacy of Primates. On the contrary, the Chorepiscopus declined from natural, not from Pseudo-Isidorian causes; the star

<sup>27</sup> Cf. Hefele VI, pp. 90 sqq.

<sup>28</sup> *Epist.* xv, Migne, CXXVI, 660. The Popes were probably opposed to a regular order of Primates, as being dangerous to the Papacy.

of the Metropolitans remained yet in the ascendant;<sup>29</sup> and no order of Primate was ever regularly set up in Gaul. The Pseudo-Isidore, as prophet, had no honour in his own country.

Nevertheless, if the influence of the constructive texts of the Pseudo-Isidore was not immediate, it was to be felt in later centuries by the hierarchy of the Frankish Church in general and by the Metropolitan Archbishops in particular. In the first place, a way had been prepared by Pope Nicholas I. It was a defeat to all Metropolitans when Nicholas withdrew the cases of Bishops from their competence, and referred them as 'maiores causae' direct to Rome. It was a defeat to Hincmar of Rheims in particular when in 865 Nicholas restored Rothad to his See of Soissons, and in 866 when he restored the clerks ordained by Ebbo. It was the beginning of the Metropolitan decline.

In the second place, the written texts of the Pseudo-Isidore remained and insensibly were undermining the practices of the Metropolitan order. In the ninth century the Metropolitans had satisfied a need—the cohesion of the ecclesiastical provinces against the anarchy of civil wars. They were indeed popular and national figures. That is why the Pseudo-Isidorian attack had no immediate success. But in the tenth century their rôle veered from the national to the personal, and they began to treat their suffragans as vassals. They came to regard them-

<sup>29</sup> Lesne, *La Hierarchie Episcopale*, pp. 272-293. But it is possible, though there can be no proof, that the False Decretals checked a further development in Metropolitan authority.



selves as armed with a secular rather than an ecclesiastical authority: they took part in the royal usurpations and in the dismemberment of kingdoms. It was then, when their position became political rather than priestly, that the tide of popular opinion set in against them. The work of Nicholas I had been personal and rapid; it had won the first breach in the Metropolitan's power. The work of the False Decretals, on the other hand, was slow and ponderous; it had gradually undermined the Metropolitan's authority. In the ninth century Hincmar had refuted the Pseudo-Isidore with verbal quibbles: but the Pseudo-Isidorian texts and their sense remained and in the eleventh century were not forgotten.

### III.

Finally, it remains to trace the influence of the Pseudo-Isidorian law in its aggressive<sup>1</sup> texts, first on the Church in Gaul, secondly on the Papacy at Rome.

In Gaul it is impossible to find evidence of any direct influence. If the bishops, after 850, made claim to a dignity higher than the dignity of kings—which they did<sup>30</sup>—it was not necessarily the work of

<sup>30</sup> For example, in 858 the Bishops declared to Louis the German that they were not bound by any act of homage or any form of oath. In 877, at the coronation of Louis the Stammerer, the Bishops did not commend themselves but merely performed commendation for the Church (*Ann. Bertin.*, 877). In 880 the unquestionable right of a King to put forward a candidate for election was stigmatised by Hincmar as a 'doctrine belched from Hell.' And in 881 the Synod of Fimes (Mansi, XVII, p. 537; 11

the Pseudo-Isidore. They had made the same claims before 850, and if they repeated them after 850 it was because no one had listened to them before. And if there were signs of a wider ecclesiastical jurisdiction in secular affairs after the publication of the False Decretals—and there were<sup>31</sup>—there were also signs of it before. Moreover there was a more natural reason for it after 850 than the influence of the Pseudo-Isidore. The Emperor, in the chaos of that Carolingian decline, was ready to make use of any authority that might keep in hand the wrecks of his Empire. He did in fact clutch at what remained of the authority and jurisdiction of the Church and use it in the maintenance of law and order.<sup>32</sup> That is why Charles the Bald in 857 com-

*cf.* Hefele, VI, 116-7) repeated the dictum of Gelasius in their first canon: 'Et tanto est dignitas pontificum maior quam regum, quia reges in culmen regum sacrantur a pontificibus, pontifices autem a regibus consecrari non possunt. . . . etiam pro ipsis regibus hominum in divino reddituri sunt examine rationem.'

<sup>31</sup> In the Diet of Meerssen in 851 the three Kings promised to seize upon anyone flying from episcopal condemnation, and in 857 and 860 mention is made again of fugitives from episcopal sentences.

<sup>32</sup> At the Synod of Savonnières in 859 Charles the Bald, desiring the support of his bishops for the condemnation of Wenilo, Archbishop of Sens, for treason, indulged in obvious flattery of the Church (Mansi, XV, p. 527, &c.; *cf.* Hefele, V, 412): 'a qua regni sublimitate supplantari vel proiici a nullo debueram, saltem sine audientia et iudicio episcoporum, quorum ministerio in regem sum consecratus, et qui throni Dei sunt dicti, in quibus Deus sedet, et per quos sua decernit iudicia: quorum paternis correptionibus et castigatoriis iudiciis me subdere fui paratus, et in praesenti sum subditus.' And Lothair, in 862 at the Synod of Aix-la-Chapelle, to win over the bishops in his divorce case, began his 'contestatio' (Mansi, XV, 614; *cf.* Hefele, V, 462): 'O sancti pontifices et venerandi patres, qui estis positi mediatores inter Deum et homines . . . Regalis enim potestas sublimem debet recognoscere sacerdotalis dignitatis auctoritatem.'

manded all malefactors in the kingdom to be tried first by bishops and handed over later to the count for punishment. That is why in 876 he invested bishops with the authority of Missi within their dioceses. There is no need to suspect the Pseudo-Isidore. Charles the Bald was acting rather for the good of the secular authority than in reverence for the ecclesiastical. In a later century the Church was to profit out of his need. It was only then that the 'aggressive,' as also the defensive and constructive, texts of the Pseudo-Isidore were used in support of ecclesiastical ambitions.

On Rome, on the other hand, it was the custom to say that the influence of the False Decretals, in their 'aggressive' texts, was immediate and decided: the theory has been finally disposed of by M. Fournier.<sup>33</sup>

Briefly, the movement in the Roman Church towards universal primacy was never due to the False Decretals because it was already making way before they came to Rome.<sup>34</sup> The False Decretals merely

<sup>33</sup> See Fournier, *Revue d'histoire ecclésiastique*, Vol. VIII, pp. 19-56.

<sup>34</sup> As regards the date of the coming of the False Decretals to Rome, Nicholas I certainly knew them well. They had been invoked by Rothad and the clerks ordained by Ebbo in their respective appeals; there is written testimony of Lupus, Abbot of Ferrières, asking Nicholas I to find him the letter of the Pseudo-Melchisedech, whose text the abbot had cited (Migne, CXIX, 608); and in 865 Nicholas himself wrote to the Frankish bishops that whatever Decretals were not found in the Codex Canonum were to be accepted as of equal authority. Thus (Migne, CXIX, 901c, 903B, 902A):—'Absit ut scripta eorum quo quomodo parvipendenda dicamus, quorum videmus Deo auctore sanctam Ecclesiam, aut roseo cruore floridam, aut rorifluis sudoribus et salubribus eloquiis

served as a fortuitous confirmation of certain of the Papal principles. It was not till the latter half of the eleventh century that they were openly welcomed: the Bishops of Rome in the tenth treated them with no little reserve.

The principles which the Pseudo-Isidore, without creating, so far confirmed that the Pope applied them with a less degree of hesitation, were three.

The first was the principle of the Papal control over episcopal councils. The False Decretals had credited the Pope with authority to summon provincial councils,<sup>35</sup> to be represented at their debates by legates,<sup>36</sup> and to review their final decisions.<sup>37</sup> But it was accepted doctrine long before their coming. The teaching of the Pseudo-Isidore was recognised inasmuch as it fulfilled the teaching of tradition.<sup>38</sup> It is certain from Pope Nicholas' letters that on this principle he was already fixed in his ideas.<sup>39</sup> The Pseudo-Isidore merely confirmed his actual practice.

adornatam'; and 'Dictis autem diversis temporibus, etiam illa tempora vir sanctus (Gelasius I) comprehendit quae, *crebrescentibus paganorum persecutionibus*, ad sedem apostolicam deferrî causas episcoporum difficillime permittebant.' The references to 'prisci' and 'priores' Popes, to the martyred and the persecuted, must imply the Pseudo-Isidorian collection.

<sup>35</sup> H. Julius, c. cxiii, p. 471; Felix, II, c. ii, p. 479; Damasus, c. ix, p. 503; Pelagius, II, p. 721.

<sup>36</sup> H., p. 471.

<sup>37</sup> H., p. 471.

<sup>38</sup> Gelasius (H., p. 635) rested the Papal legislative power on the words of Christ (*cf.* Cassiodorus in *Hist. Tripartita*, ch. 6, and Migne, LXIX, 959).

<sup>39</sup> For instance, the letter to the Emperor Michael (Migne, CXIX, 773D), and the letter in 862 to Photius (Migne, CXIX, 788c).

The second was the principle of the judicial authority of the Pope over bishops' cases as 'maiores causae.'<sup>40</sup> Again, before the coming of the False Decretals to Rome, the principle had been asserted. That is why Nicholas, in the appeal of Rothad, did not quote from the apocryphal texts of the Pseudo-Isidore, but from the authentic texts of Dionysius the Lesser. He was relying on the Councils of Sardica and Chalcedon and on the letters of Popes Innocent and Leo the Great.<sup>41</sup> Thus, for instance, in his first letter in the case of Rothad, he declared it was contrary to the decrees of his predecessors and the canons of the councils to depose a bishop without the consent of the Pope<sup>42</sup>: even without the appeal of Rothad he could have revised the decision of the council because it had failed to notify the Holy See of its conclusions.<sup>43</sup> In other words, Nicholas was proving that he had no need of the Pseudo-Isidore to justify his authority over bishops' cases, which

<sup>40</sup> Cf. pp. 25-26. It was practically recognised by Hincmar (Migne, CXXVI, 29A).

<sup>41</sup> Sardica (H., p. 267; cf. Hefele, I, 551-3). Cap. vii enacts that if a Bishop is not satisfied with the judgment on his case, it shall be notified at Rome: the Pope shall, if he considers it necessary, appoint another Council composed of the Bishops of neighbouring provinces to hear the case again. But see Chalcedon, c. ix (H., p. 285), Innocent I (H., p. 530), and Leo the Great on the dignity of bishops.

<sup>42</sup> Migne, CXIX, 892B, and 901B: 'Quamvis etsi sedem apostolicam nullatenus appellasset . . . episcopum inconsultis nobis deponere nullo modo debuistis.'

<sup>43</sup> Migne, CXIX, 829-830, D & A. Nich. ad Episcopos concilii Sylvanectensis. The same idea is expressed in a letter to Queen Hermintrude concerning Rothad (Migne, CXIX, 862).

was true, though he may have drawn from him his precise procedure. And it may be granted that he felt reassured.<sup>44</sup>

The third principle was the maxim 'Spoliatus ante omnia restituendus.' It was, also, an ecclesiastical rule long before the False Decretals.<sup>45</sup> As Nicholas observed, it was based on Imperial legislation.<sup>46</sup> The Pseudo-Isidorian texts merely amplified it and gave it greater weight. Nicholas in a letter in 863<sup>47</sup> insisted that Rothad should be first restored to his See and should meet Hincmar, after a respite of time, on equal terms at Rome. The detail of the rule was probably borrowed from the 'aggressive' texts of the Pseudo-Isidore.<sup>48</sup>

The False Decretals thus confirmed, but did not create, these three principles applied by Rome. For the rest, Nicholas I and his successors in the ninth

<sup>44</sup> For instance, in 858 Nicholas was consulted by Wenilo, Archbishop of Sens, concerning the deposition of Herman, Bishop of Nevers. In his reply, Nicholas took it for granted that such a matter should be referred to Rome, but deferred the decision (Migne, CXIX, 769). Again in 862 Nicholas proposed to Salomon King of Brittany, that the Pope should decide the case of the bishops expelled instead of the Council of the Metropolitan of Tours (Migne, CXIX, 806), and in 863 Nicholas was to decide between Robert, Bishop of Le Mans and the Abbey of St. Calais should criminal accusations be made against Robert (Migne, CXIX, 864B and 867C). In the same year, too, he actually restored the Greek Bishops who had been exiled for refusing to follow the party of Photius (Migne, CXIX, 851).

<sup>45</sup> Cf. Cassiodorus, *Historia Tripartita*, VII, 12.

<sup>46</sup> Cf. Migne, CXIX, 1025B: Nicholas' letter to Michael, concerning Ignatius.

<sup>47</sup> Migne, CXIX, 826.

<sup>48</sup> See II., pp. 237, 486, and 694.

century showed no ready acceptance of the Pseudo-Isidorian texts, but treated them rather with reserve. It is true that Nicholas began to accentuate the arguments for papal supremacy which he based upon the decretals of his predecessors,<sup>49</sup> that is, to quote more from the authentic decretals than from the canons of the councils as he had done in 863.<sup>50</sup> It is true he declared that all decretals, whether in the Codex Canonum or no, should be held to be of equal valid authority.<sup>51</sup> But, on the other hand, he often ignored the False Decretals, as when he quoted the authentic decrees under their proper names, not under the Pseudo-Isidorian. He often opposed their ideas.<sup>52</sup> He certainly maintained a somewhat ominous silence over them<sup>53</sup> while Hincmar of Rheims, at least, was busily citing their texts.

<sup>49</sup> It is obvious from the sermon he preached in the Vatican to announce the restoration of Rothad to the See of Soissons.

<sup>50</sup> Cf. Nicholas to Hincmar (Migne, CXIX, 824B).

<sup>51</sup> Migne, CXIX, 901-903.

<sup>52</sup> For example, on the lapsi (Migne, CXIX, 921A), and the Chorepiscopi (Migne, CXIX, 884A).

<sup>53</sup> Except in some letters to the Frankish bishops (cf. Migne, CXIX, 901 B and c, &c.). Fournier, it may be noted, has traced in Nicholas' letters a certain resemblance in phraseology to the False Decretals: it is to be found, for instance, in the letter of Nicholas to Hincmar in 865 (a), in another to the Emperor Michael of Constantinople (b), and in the letter of 865 to Rothad (c).

(a) Migne, CXIX, 899c. 'Ut prius ipse Rothadus, cunctis ablatis, sicut statuimus, *recuperatis honoribus* et vires longo tempore fessas priori valetudini redditus resumens, diutius possideat, et suis omnibus perfruatur.' Cf. H., p. 503, (Damasus concerning the restoration of Bishops before trial): 'resumptis viribus,' &c.

(b) Migne, CXIX, 908A, 910C, and 1025A, with which cf. H., p.

So with Pope Hadrian, the successor of Nicholas. Beyond a mere citation in one of his letters, concerning the translation of Actard to the See of Tours,<sup>54</sup> no definite influence of the Pseudo-Isidore can be traced.<sup>55</sup> Hadrian, also, quoted the authentic decretals under their proper names.<sup>56</sup> So, again, did John VIII. Stephen V merely thought fit to insert two phrases in his letters from the Pseudo-Isidorian collection<sup>57</sup> and withal to contradict the number of canons which it attributed to the council of Antioch. For the rest of the century mention of the

18: '*omnia sibi ablata ei legibus restituantur et ipse pacifice diu suis fruatur honoribus.*'

- (c) Migne, CXIX, 1099D and 1110B. '*Non enim inermis cum armato rite conflictum inire potest,*' which is clearly similar to that passage in the decretals of Damasus, II., p. 503: '*scimus enim homines inermes non posse cum armatis rite pugnare.*' For other examples, see Fournier, *id.* (VIII), p. 25, n. 4.

<sup>54</sup> Mansi, XV, 852 (*cf.* H., p. 152).

<sup>55</sup> There is a document treating of the divorce of Lothair, the second half of which is a tissue of citations from the False Decretals, which has been attributed to Hadrian II. But Lapôte has shown (in *Revue des questions historiques*) that the document was the work of Formosus, Bishop of Porto, who encouraged a policy of resistance against the bigamy of Lothair and wrote a discourse for a return to the policy of Nicholas (and the supremacy of Papacy) as against the policy of Hadrian II and the meeting of the conciliatory council. This document cannot, therefore, be invoked to show any influence of the False Decretals upon the Papacy. (So also Fournier, *id.*, p. 50).

<sup>56</sup> *E.g.* Migne, CXXII, col. 1320. A phrase from St. Leo is given under St. Leo and not under Soterius, c. iii, II., p. 124; Fabianus, c. vii, p. 160; Felix, I, c. lxxxii, p. 206; Marcus, c. iii, p. 454; Anastasius, p. 526. Another phrase of St. Leo is given under him (Migne, CXXII, 1320) instead of under Damasus, II., p. 513, as in the Decretals of the Pseudo-Isidore.

<sup>57</sup> Migne, CXXIX, col. 788, *cf.* H., p. 452.



Pseudo-Isidore can only be found in scattered canonical collections.<sup>58</sup>

The immediate influence of the False Decretals in their aggressive character on the Church at Rome was almost as negligible as on the Church in Gaul. They happily confirmed and strengthened three Papal principles which had been alive before they reached Rome, but their part in the development of Papal supremacy was comparatively insignificant. Without the False Decretals Nicholas I was sure to have effected the same mode of government, and the principles of Nicholas I were the principles of Gregory VII and Innocent III. After all, it was not unreasonable. The False Decretals were based upon ancient custom: so were the doctrines of papal supremacy. There was no need for them to be based on the False Decretals.

So much in consideration of the influence of the Pseudo-Isidorian texts. In their defensive character their immediate influence was impossible. In their constructive character it was negligible. In their 'aggressive' character it was indistinguishable on the Church in Gaul, and it was only just dis-

<sup>58</sup> At the end of the ninth century and beginning of the tenth, the False Decretals are quoted by Auxilius in the treatises he wrote in defence of the ordinations performed by Pope Formosus (891-896). During the tenth century they began to be included in canonical collections—for example, in that dedicated to Bishop Anselm of Milan, in the Collection of Regino about 906, and in the Decretum of Burchard, Bishop of Worms. Only under Leo IX (1048-1054) did they take firm hold of Rome. They were embodied in the collection made under Gregory VII by Anselm of Lucca. Finally in 1140 Gratian quoted them in his Decretum.

tinguishable on the Papal See. The weight of the Pseudo-Isidorian law in every aspect was not felt immediately in the ninth or tenth century; it was felt rather in the eleventh century when it was regarded as precedent for every ecclesiastical pretension.

## CHAPTER IV

### THE NATURE OF THE FALSE DECRETALS AS A FORGERY

THE secular and ecclesiastical authorities have now been examined, separately and relatively, at three stages—the stage before, the ideal stage in, and the stage after, the False Decretals. In other words, the Frankish Church-State has been described as the Pseudo-Isidore saw it, desired it, and affected it. It remains to consider the place of the False Decretals in history, or, more precisely, to consider them from two points of view, as a ‘forgery’ and as a reform.

The character of the work as a ‘forgery’ cannot well be understood without explanation of the method of the ‘forger.’ His task was two-fold. He had first to compose the false matter and then to combine it with the authentic into one collection of canon law.

In the composition of the false papal decretal the Pseudo-Isidore used little invention of his own. It is doubtful whether he had any imagination at all. He did not invent anything: he merely plagiarised. Every false pontifical letter was a patchwork of quotations, stolen without acknowledgment, from whatever author suited the occasion.

The corner stone of these plagiarisms was the 'Liber Pontificalis.' Whenever this chronicle gave concisely the title of a papal decree, the Pseudo-Isidore expanded it with his quotations. Where, for instance, the Liber Pontificalis disposed of Pope Alexander in a few lines, the Pseudo-Isidore spun them out into a lengthy passage.<sup>2</sup> Where a few phrases in the Liber Pontificalis sufficed for Pope Sixtus I, there was a second letter to his name in the collection of the Pseudo-Isidore.<sup>3</sup> And so on.<sup>4</sup>

Upon the corner stone of the Liber Pontificalis the Pseudo-Isidore built haphazardly.<sup>5</sup> There are sentences taken from Church Fathers—St. Augustine,<sup>6</sup> St. Ambrose,<sup>7</sup> or St. Cyprian<sup>8</sup>—and verse after verse from the Old and New Testaments.<sup>9</sup> There are quotations from the letters of Leo the Great,

<sup>1</sup> A chronicle of the Popes begun at Rome during the first twenty years of the fifth century.

<sup>2</sup> Duchesne, *Liber Pontificalis*, I, p. 127: 'Hic passionem Domini miscuit in praedicatione sacerdotum, quando missae celebrantur. . . . Hic constituit aquam sparsionis cum sale benedici in habitaculis hominum.' With which *cf.* H., p. 99.

<sup>3</sup> Duchesne, I, p. 128, i; *cf.* H., p. 108.

<sup>4</sup> Duchesne, I, p. 126. Pope Evaristus 'septem diaconos ordinavit qui custodirent episcopum praedicantem, propter stilum veritatis,' *cf.* H., p. 87. Again, in the epistle of Telesphorus (H., p. 100), while the two last Capita give the tendencies favoured by the Pseudo-Isidore, the first three are amplifications of the notice in the Liber Pontificalis concerning the fast before Easter, the Midnight Mass, and solemn 'Gloria in Excelsis' by the bishop (Duchesne, I, p. 129). For other examples, see H., p. cxxxv.

<sup>5</sup> H., p. cx.

<sup>6</sup> H., p. cxvi.

<sup>7</sup> H., p. cxvi.

<sup>8</sup> H., p. cxxix.

<sup>9</sup> H., p. cxvi-cxxii.

scattered freely among the letters of his predecessors and successors on the papal throne.<sup>10</sup> There are laws from the Code of Theodosius,<sup>11</sup> from the legal system of the Visigoths,<sup>12</sup> or from those abortive councils of reform of the first half of the ninth century.<sup>13</sup> The 'Historia Tripartita' of Cassiodorus was yet another fruitful source.<sup>14</sup> Three-quarters of the first letter of the Pseudo-Julius, for example, were borrowed bodily from that history,<sup>15</sup> and on the matter of the controversy of the same Julius with the bishops of the East, the Pseudo-Isidore followed closely on the words of Cassiodorus.<sup>16</sup> But by far the greatest number of quotations he took through the medium of the Capitularies of Benedictus

<sup>10</sup> H., p. cxxxiv.

<sup>11</sup> H., p. cxxiv. It freed the property of the Church from most fiscal burdens: it declared it infamous falsely to accuse one of the clergy. It was a Code after the Pseudo-Isidore's own heart.

<sup>12</sup> H., p. cxxxiv.

<sup>13</sup> H., p. cxxv, etc. Cf. Chapter I passim.

<sup>14</sup> H., p. cxxiii.

<sup>15</sup> The text of Cassiodorus is in *Omnia Opera Cassiodori*, ed. Garetius (1679). H., p. 455, ll. 21-32 are taken from Cass., Lib. II, c. 9; l. 32-39 from Lib. II, c. 11, p. 228; l. 39-43 from Lib. II, c. 11, p. 229, l. 32; l. 43-11 (p. 456) from Lib. II, c. 12, p. 229; p. 456, l. 12-27 from Lib. IV, c. 24, p. 252, l. 30; l. 27 to end from Lib. II, c. 12, somewhat altered.

<sup>16</sup> The names of the four Eastern Bishops who wrote to the Pope—Eusebius, Theognius, Theodorus, Berintus (H., p. 462)—are taken from Cassiodorus (IV, 15). In Cass., IV, 15, Pope Julius reproaches them—'Culpans (eos) quia non recte tractassent viros inculpabiles, de suis ecclesiis expellentes': and the letter of Julius (H., p. 465) reads: 'talibus namque figmentis liquet eos esse inculpabiles, vosque culpabiles,' and again (H., p. 466), 'non recte tractastis viros inculpatos.' Cassiodorus adds that the Pope reproached the bishops for violating the canons of Nicaea—'quod constituta Niceni concilii minime conservarent': and Julius also, in H., p. 466—'Constitutum Niceni concilii minime servantes.'

Levita and the Capitularies of Angilramnus<sup>17</sup>—his two predecessors in the Pseudo-Isidorian group of ‘forgeries.’

The quotations number about ten thousand in all,<sup>18</sup> and the Pseudo-Isidore, with his easy rambling style, strung them together to compose his false decretals of the Popes. It was plagiarism on an unprecedented scale.

To make up a canonical collection, the Pseudo-Isidore merely interpolated these false decretals in an existing collection of authentic canon law which he had slightly altered.

There were three main canonical collections he would have known.<sup>19</sup> There was the ‘*Collectio Quesnelliana*,’<sup>20</sup> dating from the fifth and the beginning of the sixth century, which strangely neglected all the Gallic councils;<sup>21</sup> secondly, the ‘*Collectio Diony-*

<sup>17</sup> II., pp. cxi-cxvi. See Appendix II.

<sup>18</sup> Professor Saltet in ‘*The False Decretals*,’ *Catholic Encyclopaedia*, p. 774.

<sup>19</sup> There were also some minor collections:—the (‘Angers’) Collection (7th century) drawn from the Collection of Dionysius Exiguus, with the Gallic councils added; a collection (‘Hérouval’—the possessor of the MS.) which copies the former; the two collections (‘Bonneval’) abridged editions from that of Angers; the collection of Halitgar of Cambrai (817-831); finally the Codex Carolinus, drawn up in 791 by the order of Charlemagne (Migne, XCVIII), which contained ninety-nine letters from the Popes to Charles Martel, Pepin and Charlemagne. For all these cf. Tardif, *Histoire des sources du droit canonique*, p. 120-121.

<sup>20</sup> Named after its first editor, Quesnel. It was published by him in his edition of the works of St. Leo (vol. ii), and by the brothers Ballerini, (*Opera S. Leonis*, vol. iii) and again in Migne, LVI. It is perhaps the ‘*Liber Canonum in quo erat quaternio novus adnexus habens canones quasi apostolicos*,’ of which Gregory of Tours speaks (*Hist. Franc.*, V. 18).

<sup>21</sup> It merely contained the canons of the Eastern and African Councils, the decrees of eight Popes from Damasus to Gelasius, the

sio-Hadriana,' compiled in the sixth century by Dionysius Exiguus, bestowed on Charlemagne in 774 by Pope Hadrian I and promulgated by Charlemagne in 802 at the synod of Aix-la-Chapelle;<sup>22</sup> and, thirdly, the 'Hispana Gallica,' a local version of that 'Collectio Hispana' which had been attributed to St. Isidore of Seville.<sup>23</sup> Part I of the 'Hispana Gallica' contained the canons of the councils—Greek, African, Spanish, and Gallican<sup>24</sup>—and Part II, drawn from the *Collectio Dionysio-Hadriana*, contained the decretals from Pope Siricius to Anastacius II, with the addition of some papal letters to Spanish prelates and councils.

The Pseudo-Isidore, of these three collections, used the 'Hispana Gallica.' He tampered with it in letters of the Popes to Gallic bishops and the Imperial Constitutions against heretics. The first national council in Gaul was at Arles in 314.

<sup>22</sup> It contained not only the first fifty canons of the Apostles, the councils of the East, and of Sardica and Carthage, but also the thirty-nine decretals of the Popes from Siricius to Anastasius II. The canons of the East were taken from an old Eastern collection of the fifth century—the 'Graeca Auctoritas'—which comprised the councils of Nicaea, Ancyra, Neo-Caesarea, Gangra, Antioch, Laodicea, and the second council of Constantinople. The council of Chalcedon was added later (Hartzheim, *Concilia Germaniae*, I, p. 131-235).

<sup>23</sup> For the 'Hispana' or 'Isidoriana' (drawn up it is said by St. Isidore of Seville in 646) see Migne (LXXXIV) and *Collectio Canonum Ecclesiae Hispanae* (Madrid, 1608). It was arranged methodically in the seventh century. There was a collection of Eastern Canons, received in Italy in the fifth century, also called the 'Hispana,' which should be distinguished.

<sup>24</sup> There were also the original Latin text of the Council of Sardica, two letters of St. Cyrillus of Alexandria to Nestorius (translated by Marius Mercator), a letter from Atticus of Constantinople and the 'Statuta Ecclesiae Antiqua,' an Arlesian compilation of St. Caesarius, under the title of the fourth Council of Carthage.

a few passages—the doctored version is known as the ‘Hispana d’Autun’<sup>25</sup>—and then he interpolated in it his false decretals. The result was the Pseudo-Isidorian collection.

It is divided into three parts. For Part I the Pseudo-Isidore used his false decretals from Pope Clement to Pope Melchiades inclusive;<sup>26</sup> for Part II the first half of his version of the ‘Hispana Gallica,’ that is, the authentic canons of the Eastern, African, Spanish, and Gallican councils; for Part III his false decretals which he had interrupted at Melchiades—that is, the decretals from Sylvester to Damasus—together with the second half of the doctored ‘Hispana Gallica’ which comprised the authentic papal letters from Damasus to Gregory I and a letter of Gregory II. But among these latter authentic letters he inserted here and there some thirty-five false decretals, chiefly under the names of those Popes who were omitted in his version of the ‘Hispana Gallica.’<sup>27</sup>

There was finally some padding from previous canonical collections. In Part I, for example, the

<sup>25</sup> See Appendix II (i).

<sup>26</sup> These are introduced by a letter of Aurelius of Carthage to Pope Damasus: the letter is the work of the Pseudo-Isidore—to lend an air of authenticity to the Decretals.

<sup>27</sup> Viz., Anastasius I (398-401); Sixtus III (432-440); John I (523-526); Felix IV (526-530); Boniface II (530-532); John II (532-535); Agapetus I (535-536); Silverius (536-538); Pelagius I (555-561); John III (561-574); Benedict I (574-579); Pelagius II (579-590). Some of the false decretals, however, were placed among the authentic decretals of Damasus, Leo the Great, Symmachus, Vigilius (Caput. vii is forged by the Pseudo-Isidore, H., p. cv and 712) and Gregory the Great.



'Ordo de celebrando consilio' was taken, according to Hinschius, from the 'Collectio Hispana,' and the apostolic canons, which precede the decretals, from the 'Collectio Dionysio-Hadriana.'<sup>28</sup> In Part II was inserted the 'Exemplar Domini Constantini,'<sup>29</sup> and so on.<sup>30</sup>

The method of the 'forger' was indeed simple. The 'forged' decretals of the Popes were a mosaic of quotations: the authentic councils and decretals were the texts of previous collections. The Pseudo-Isidore, with little ingenuity and still less deceit, had laboriously fitted them together. He had served up certain canon laws under the wrong names of their writers, and had given them a false authority.<sup>31</sup>

The character of the False Decretals as a 'forgery' is now intelligible. It is obvious that the Pseudo-

<sup>28</sup> See H., pp. lxxx and 27. These Apostolic Canons are introduced by a letter of Hieronymus to Pope Damasus forged by the Pseudo-Isidore to give weight to the Canons. In Part I also the first letter of Pope Clement, up to c. 20, and part of the second, were taken from other collections (H., p. lxxxix).

<sup>29</sup> H., pp. lxxxiii and 249.

<sup>30</sup> Before the canons of the councils came a tractatus—'Quo tempore actum sit Nicaenum Concilium' (H., pp. 254 and lxxxiii) stolen from the *Collectio Hispana*, and a piece from the '*Collectio Quesnelliana*,' viz.:—The '*Epistola vel Praefatio Nicaeni Concilii*' (H., pp. 254 and lxxxiii). The '*tractatus de primitiva ecclesia et Synodo Nicaena*' (Cap. ix of *Epist. II* of Melchiades, H., p. 247), was forged by the Pseudo-Isidore.

<sup>31</sup> The falsehood, Professor Saltet points out (p. 777, *Catholic Encyclopaedia*, Vol. V), was after the manner of 'acta rescripta,' which intend to represent original documents that have been lost or partially destroyed, and which, drawn up partly by the aid of extracts or remnants from the originals, partly by the tradition about their contents, have the early date of the originals assigned to them.

Isidore was no forger in the modern meaning of the word. Schaff could not have analysed the method of the work when he gave it as his opinion that the Pseudo-Isidorian collection 'is a conscious High Church fraud and must as such be traced to the Father of Lies. It belongs to the Satanic element in the history of the Christian hierarchy.'<sup>32</sup> Plainly, the Pseudo-Isidore was no forger, nor was his work a forgery. It was, in point of fact, in keeping with the hagiographic literature of his age. It was rather what we mean by legend than what we mean by forgery.

From this point of view it is interesting to compare the legends of the saints with the 'legend' of the False Decretals.

There is, first, a marked similarity in method. In the legends of the saints, of which Father Delchaye has admirably written,<sup>33</sup> there was as much plagiarism as in the collection of the Pseudo-Isidore. It came in both cases from poverty of invention. For example, the author of SS. Barlaam and Joasaph, it has been shown, transcribed extracts from a suitable treatise such as the Apology of Aristides<sup>34</sup> just as the Pseudo-Isidore transcribed a 'tractatus' from the 'Collectio Hispana.'<sup>35</sup> And again, extracts from the lives of St. Erminus, St. Patroclus, St. Gallus, SS. Martius and Quin-

<sup>32</sup> Schaff, *Church History*, Vol. I (*Mediaeval Christianity*), p. 273.

<sup>33</sup> Père Delchaye, *Les Légendes Hagiographiques*.

<sup>34</sup> Delchaye, pp. 106-107.

<sup>35</sup> H., pp. 254 and lxxxiii—'Quo tempore actum sit Nicaenum Concilium.'

tianus, St. Bavon, St. Ursmar, and St. Martin, went to make up the conventional saintly life of St. Vincent Madelgarus<sup>36</sup> in the same way as extracts from the Fathers, the Bible, Leo the Great, Cassiodorus, and the Laws of the Visigoths, went to make up the papal decretals of the Pseudo-Isidore. Occasionally the hagiographer even out-plagiarised the Pseudo-Isidore.<sup>37</sup>

And, like the author of the False Decretals, the biographer of the Saint was skilled in the use of that literary fiction of speaking in, or of placing history under, an assumed and venerated name to give greater weight to his narrative.<sup>38</sup> As the author of the False Decretals assumed the name of St. Isidore,<sup>39</sup> so the hagiographer would write in the name of a disciple of a saint. As the Pseudo-Isidore gave out his own laws under the revered names of the earliest Popes, so, to quote Father Delehaye, the passion of SS. Menas, Hermogenes and Eugraphus was attributed to St. Athanasius, or the history of the image of Camuliana to St. Gregory of Nyssa.<sup>40</sup>

And the similarity extends from the method to the character of the compositions. Both the hagiographer and the Pseudo-Isidore intended to write

<sup>36</sup> Delehaye, pp. 114-115.

<sup>37</sup> For example, the passion of St. Martina is literally identical with that of St. Tatiana (Delehaye, p. 116); the passion of St. Lawrence with that of the martyrs of Phrygia as related by Socrates and Sozomen; and the martyrdom of St. Cassian scarcely differs from that of St. Mark of Arethusa (Delehaye, p. 117).

<sup>38</sup> Delehaye, p. 80, seq.

<sup>39</sup> *Idem* Introductory, p. xiv.

<sup>40</sup> Delehaye, p. 81.

history and at the same time to edify 'the faithful.' The truth of this is not affected if, judged by modern standards, they wrote what was false and 'the faithful' were deceived.

Their idea of history was not ours.<sup>41</sup> They were not concerned with accuracy either in chronology or geography, and historical sequence had no meaning for them. The hagiographer, without exciting suspicion, could assign the date of a martyrdom indifferently to any one of the impious Emperors—Decius, Numerian, or Diocletian.<sup>42</sup> Without exciting suspicion either, the Pseudo-Isidore made his Popes of the first and second centuries write in Frankish Latin of the ninth, discourse on doctrinal controversies in the spirit of Post-Nicene orthodoxy, quote documents that had not yet been composed, and issue rulings on questions that had never yet arisen.<sup>43</sup> History for the hagiographer and the Pseudo-Isidore was little short of legend. The Pseudo-Isidore's history of the church in Gaul was more than half legendary. He believed that Gaul had been converted in the first century by the first successors of St. Peter; that the Frankish Church had been at once mapped out into parishes, dioceses, and provinces, after the

<sup>41</sup> Delchaye, p. 22 sqq.

<sup>42</sup> Delchaye, p. 26.

<sup>43</sup> For instance, they quote the Bible from a version of Jerome that was amended in the reign of Charlemagne. Pope Victor (A.D. 189-198) addresses Theophilus of Alexandria (who lived 200 years later) on a controversy of the second century. Clement gave decisions on church lands, and on celibacy, at a time when the church had no lands—in the first century—and the question of celibacy had not yet been raised.

territorial divisions of administrative Gaul in the last days of the Roman Empire. Was it not so inscribed in the 'Nōtitia Provinciarum' sent to the bishops of Gaul by Pope Anacletus?<sup>44</sup> The written word was beyond dispute with the Pseudo-Isidore, as it was with the hagiographer.

Their idea of history was rather our idea of legend. But it was also legend written with a moral. The hagiographer would persuade his reader to emulate the piety and courage of his saint: his biography becomes half panegyric and half moral instruction. Likewise the Pseudo-Isidore would have had his reader respect the church, its priests and property: his canon law became partly a panegyric of the ancient order and partly a code of ecclesiastical instructions with their pains and penalties. In both cases a saintly picture was drawn for the benefit of sinners.

There is indeed a marked similarity, in their methods and their character, between the legends of the saints and the legend of the False Decretals. If it is impossible to describe hagiography as forgery, it is equally impossible to describe the Forged Decre-

<sup>44</sup> This was almost certainly the belief of the Pseudo-Isidore. (H., p. 83, Anacletus, c. 29)—'Alie autem prime civitates quas vobis conscriptas in quodam thomo mittimus, a sanctis apostolis et a beato Clemente sive a nobis primates praedicatorum acceperunt.' Hincmar also believed it. He wrote to his nephew that Laon was not an episcopal see at the time of Anacletus (Migne, CXXVI, 334). Of this same kind of legendary history was the story of Judas' thirty pieces of silver. The money was said to have belonged to Abraham's father, and to have passed from him to Abraham, to the sons of Jacob, to the Queen of Sheba, to Solomon, to the Magi, to the Virgin Mary, to a shepherd in Egypt, to the priests of the Temple and from them to Judas (see Delehaye, pp. 42-43).

tals as forgeries. They must be judged by the standards of literary morality, not of our age, but of theirs. And in their age history, written ostensibly to edify, was little short of legend. The canonist, or hagiographer, with his naïve piety, held it his duty to supplement the silence of tradition by legendary—and highly elevating—‘history.’ Just as the pious sculptor changed the statue of a Roman consul into the statue of a saint, giving him a Christian face and putting in his hand the emblematic key, so the pious canonist put into the mouths of early popes the reform laws of a later age. He made chronological inaccuracies, but he knew no chronology. His work, in fact, was not a forgery written with deceit: it was rather a legend written with a moral.

## CHAPTER V

### THE NATURE OF THE FALSE DECRETALS AS A REFORM

FINALLY, if the False Decretals cannot be considered as a forgery, what was their place in history as a reform?

There seem to be three suggestions: first, that their object was merely local and personal—the defence of a particular person or persons in a particular diocese; secondly, that it was universal and aggressive—the omnipotence of the spiritual authority; thirdly, which is the *via media*, that it was general but defensive—limited, that is, to the practical defence of the Frankish church in the ninth century.

The first theory—that the object of the Pseudo-Isidore was local—is strengthened by those historians who dispute over the place of origin of his Decretals.<sup>1</sup> Mayence, Rheims, and the Province of Tours have severally been argued.<sup>2</sup>

<sup>1</sup> As to the place of origin, the North of France is universally admitted, for not only has the Pseudo-Isidore drawn from collections of canon law of Gallic origin but he has referred to the Gallic Councils, such as Meaux (H., cxxviii), Aix-la-Chapelle (H., cxxv) and Paris (cxxviii), and to the political affairs of France. Moreover it was in France that the Pseudo-Isidore was first quoted and had his greatest vogue.

<sup>2</sup> Other suggestions have been made: for example, that the locality was Ferrières and the author Lupus, the Abbot, but Lupus, who was a bibliomaniac, had none of the characteristics of the Pseudo-Isidore; or that it was Soissons and the author Rothad,

For Mayence,<sup>3</sup> it is said that the author was Benedictus Levita, a Deacon of Mayence, from whose capitularies of the False Decretals had borrowed so extensively. It is not a hopeful theory. 'Benedictus Levita' is as fictitious a person as the 'Isidorus' of the False Decretals.<sup>4</sup> Moreover Mayence was not marked more than other provinces by the abuses to which the Pseudo-Isidore refers.<sup>5</sup> The theory is now generally out of favour.

For Rheims,<sup>6</sup> the author is suggested to be Vulfadus, Canon of Rheims, tutor to the sons of Charles the Bald, and one of the clerks of Ebbo who was reputed by Hincmar to be a clever and dangerous opponent. It is round the story of Ebbo that the main argument is centred.<sup>7</sup>

the Bishop: but Rothad, at the time of the writing of the False Decretals, had no interest in their doctrines. The wildest suggestion of the authorship is made by Weizäcker—that the Pseudo-Isidore is Hincmar, Archbishop of Rheims, because he wanted to become Primate of Gaul. As a matter of fact, Hincmar had no desire for the Primacy (see Lesne, *Hincmar et l'empereur Lothair*).

<sup>3</sup> The theory of F. Walker (*cf.* H., ccxxi). Cardinal Pitra in the *Analecta Novissima* also puts the place of origin at Mayence, and Wasserscheleben is of opinion that Mayence was the birthplace of the first, or primitive, form of the False Decretals.

<sup>4</sup> See Tardif, *Histoire des sources du droit canonique*. Otgar, Archbishop of Mayence, has also been suggested as author: but he died in 847—before the publication of the False Decretals.

<sup>5</sup> There is no special reference to Mayence, for instance, in Pelagius II's letter (H., p. 724).

<sup>6</sup> According to Tardif, Lot, Hinschius, Weizäcker, Schneider, Wasserscheleben, and the brothers Ballerini.

<sup>7</sup> The mention of Chorepiscopi at Rheims is no argument in favour of this theory, for the feeling against Chorepiscopi was in no way confined to Rheims. (See Council of Meaux of 846, c. 44 [Hefele, V, 317] and Council of Paris, Lib. I, c. 27, of 829 [Hefele, V, 258]).



On the restoration of Louis the Pious, Ebbo of Rheims had been exiled to Fulda, condemned by the Council of Thionville for his share in the civil war of 833.<sup>8</sup> It was not till 840 that he was restored to Rheims by the imperial authority of Lothair. Ebbo at once ordained fourteen clerks, of whom Vulfadus was the leader. But in 841, after the defeat of Lothair at Fontenai, he was again forced to leave his see, and in 845 Charles the Bald put Hincmar, a monk of St. Denys, in his place. After some unsuccessful appeals to Pope Sergius II for restoration, Ebbo died at Hildesheim in 851. Now at Rheims Hincmar had suspended the clerks whom Ebbo had ordained.<sup>9</sup> He left them at peace from 847 to 852, while he was being reconciled to Lothair, but he attacked them again in 852, and a year later they were deposed by the Council of Soissons. They appealed to Leo IV, but Hincmar ignored the Papal command that their case should be heard at Rome. So the affair stood still till 866, when Nicholas I reopened it.

This, in brief, is the story of Ebbo. It is said to present all the features of the law of the False Decretals. For instance, according to the Pseudo-Isidore bishops should be submitted to strictly ecclesiastical tribunals: yet at Thionville the Emperor had presided. They should be restored to their sees before trial: yet Ebbo was kept dispossessed. Confessions

<sup>8</sup> Forty-three bishops condemned him and, on his confession, consented to restore him to Rheims. Louis the Pious disallowed it.

<sup>9</sup> The reason given was that the restoration of Ebbo by imperial authority, as against ecclesiastical, was unlawful.

should be free: yet Ebbo's was wrung from him at Thionville by force. 'Maiores Causae' should be referred direct to Rome: yet Ebbo's case was tried at Thionville. Moreover, it was in the province of Rheims that the False Decretals first appeared, and from the province of Rheims Rothad of Soissons carried them to Rome. Therefore, it is argued, the False Decretals were written at Rheims by Vulfadus: their object was the protection of Ebbo and his clerks.

But it is assuming too much. Even if the object of the Pseudo-Isidore was the protection of Ebbo it is no proof that the False Decretals were written at Rheims rather than at any other province which would have heard of the episcopal struggle. It has indeed to be proved precisely that Vulfadus and his fellow clerks made use of the False Decretals during the period from 847 to 852. It is argued that they did use a passage in the Pseudo-Julius<sup>10</sup> to destroy the force of the twelfth Canon of Antioch which insisted that a bishop could only be restored by a larger council than that which had deposed him. It had been brought as an argument against Ebbo who had been restored to Rheims in 840 by only twenty bishops, whereas forty-three had deposed him at Thionville. But the passage in the decretals of Pope Julius has a more natural, and less involved, explana-

<sup>10</sup> The Bishops of the East wrote to Pope Julius complaining that he had received back St. Athanasius of Alexandria into communion at a lesser council than that which condemned him. Julius replies that such a rule—as pretended by the 12th canon of Antioch—was 'ad perditionem orthodoxorum episcoporum' (H., p. 471).

tion. It is a plagiarism from Cassiodorus and can scarcely point to Ebbo's deposition.<sup>11</sup> And it is absurd to maintain that if Vulfadus, being the Pseudo-Isidore, meant to destroy on behalf of Ebbo the twelfth Canon of Antioch, he would only have attempted it in one isolated passage in the decretals of one solitary Pope.

Nor can the connection of Vulfadus of Rheims with the False Decretals be proved by the resemblance between the latter and those forged documents circulated in Rheims by the friends of Ebbo, that is, the 'Narratio Clericorum Remensium,'<sup>12</sup> the 'Bull of Gregory IV,'<sup>13</sup> and the 'Apologeticum Ebbonis.' These documents came later than the False Decretals<sup>14</sup> and might well have copied them.

M. Fournier has two positive objections to the theory.<sup>15</sup> First, the period 847-852—the period of the writing and publication of the False Decretals—

<sup>11</sup> The Pseudo-Isidore in the text of Pope Julius is only copying, as usual, the *Historia Tripartita* of Cassiodorus (IV, 9) which asserts that the 12th canon of Antioch was forged by the Arians against the orthodox. The Pseudo-Isidore borrowed the whole controversy from Cassiodorus. (See Fournier, *Revue d'histoire ecclésiastique*, Vol. VII, pp. 556-559.)

<sup>12</sup> The 'Narratio Clericorum Remensium' (*Historiens des Gaules*, VII, p. 277, etc.) contains the Bull of Gregory IV.

<sup>13</sup> The Bull reads that Gregory IV pronounced Ebbo restored to the See of Rheims. It is obviously false, for Ebbo would not have appealed to Pope Sergius in 844, if Gregory IV had previously restored him.

<sup>14</sup> Rabanus Maurus, who died in 856, knew of no document for the restitution of Ebbo: and Hincmar asserted that none appeared till 867.

<sup>15</sup> See Fournier, *Revue d'hist. eccles.*, VII, p. 562.

was one of calm for the clerks of Ebbo. They were busy appealing to Rome, and Hincmar was busy courting the favour of Lothair. At such a time they would not have had the mind to compose, or even make use of, the False Decretals. Secondly, if the Pseudo-Isidore had been Vulfadus, writing at Rheims on behalf of Ebbo, Hincmar would not have been slow to detect the forger,<sup>16</sup> or at least to discredit the collection. But he did not suspect the False Decretals. He saw no mention in them of the validity of ordinations made by a deposed bishop, such as Ebbo, nor any mention of an appeal to Rome by priests, such as the clerks of Ebbo. He saw, on the contrary, that the Pseudo-Isidore submitted all questions concerning clerics, up to and including priests, to the Metropolitan in Council, with appeal therefrom to the Primate. He saw no reason to suspect the False Decretals or that they were written at Rheims. His silence tells conclusively against the theory.

On behalf of the Province of Tours as birthplace,<sup>17</sup> with Leodald, a deacon of the Le Mans, as author, the story of Nomenoe, Duke of Brittany,<sup>18</sup> has been advanced.

<sup>16</sup> Fournier, *id.*, p. 563. Hincmar was quick to detect the forgery of the Bull of Gregory IV (Migne, CXXXVI, 257).

<sup>17</sup> According to B. Simson, P. Fournier (in *Revue d'histoire ecclésiastique*, Vol. VII, 1906), L. Duchesne, J. Havet, and P. Viollet.

<sup>18</sup> See De la Borderie, *Histoire de Bretagne*, t. II : also Merlet, *Guerres d'indépendance de la Bretagne sur Noménoé et Erispoé*, in *Revue de Bretagne de Vendée et d'Anjou* (1891) : also L. Duchesne, *Fastes épiscopaux de l'ancienne Gaule*, t. ii.

In 841 Nomenoe made a bid for Breton independence. It was not only for the independence of the Breton people but for the independence of the Breton Church.<sup>19</sup> Charlemagne had unwisely forced the Breton Church into the Frankish province of Tours, fixing the boundaries of its five dioceses, and Louis the Pious had substituted the Roman rules for the Celtic. The national feelings of the Bretons were roused. They demanded Home Rule ecclesiastically as much as politically.

In 845 Nomenoe defeated Charles the Bald at Ballon and compelled him a year later to recognise the political independence of Brittany. In 847 he accused four Frankish bishops of simony,<sup>20</sup> and in the next year condemned them at the Council of Coetleu in which laymen exceeded clergy. The four bishops fled to Tours and Nomenoe filled their sees with his Celtic nominees. Finally, Actard, Bishop of Nantes, was expelled, and Dol was constituted a Metropolitan see.<sup>21</sup> By 850 Brittany had won ecclesiastical independence. The Frankish church was profoundly shocked. Protest after protest came to the rebel

<sup>19</sup> There is much controversy over the customs of the Celtic Church, but it will suffice to say here that there was separation between the Celtic and Frankish churches. The former was not acquainted with the latter's *régime* of territorial bishops over 'civitates' and metropolitans over provinces.

<sup>20</sup> When Nomenoe informed Leo IV of this, the Pope replied that the decision of twelve bishops and seventy-two witnesses was necessary for the condemnation of a bishop, and further that the accused could appeal to Rome.

<sup>21</sup> According to De la Borderie, Vol. II, 272-4, Nomenoe is quite wrongly supposed to have created two sees at St. Brieuc and Tréguier.

King of Brittany from the Popes,<sup>22</sup> and the episcopal synods of Gaul.<sup>23</sup>

Like the story of Ebbo, the story of Nomenoe is said to present all the features of the law of the False Decretals. The Pseudo-Isidore compiled his collection at the crisis of the Breton revolt. It is argued that he must have had it in mind when he wrote the law upon the fixity of ecclesiastical organisation<sup>24</sup> and procedure;<sup>25</sup> that he must have thought of Nomenoe's methods when he protected bishops from unjust accusations and condemnations by secular tribunals, and provided for the translation of bishops, forcibly expelled, to other sees.<sup>26</sup> He must, in fact, have written in, and on behalf of, the Province of Tours which was the most endangered by the revolt of Nomenoe.

Again the assumption is too great. Even if the object of the Pseudo-Isidore had been the protection of the province of Tours, yet the Pseudo-Isidore need not have lived in the province of Tours to write with knowledge of, and alarm at, the Breton revolt. Nomenoe may explain much of the Pseudo-Isidore

<sup>22</sup> From Leo IV, Benedict III, Nicholas I, Hadrian II and John VIII.

<sup>23</sup> From the Council of Savonnières (859) and of Soissons (866). (See Hefele, V, pp. 413 and 535).

<sup>24</sup> For example: that no new bishops should be created in districts other than determinate cities; that the limits of a province should be observed and the Metropolitan acknowledged; that bishops should keep within the bounds of their diocese. The Celtic bishops travelled freely from one diocese to another.

<sup>25</sup> For example: the consecration of bishops—the Celtic practice was not too strict; and the rules against secular interference—such as the 'interference' of Nomenoe.

<sup>26</sup> On behalf, it is presumed, of the dispossessed Breton bishops.

law:<sup>27</sup> but he does not explain it all. He was but one of the many thorns in the flesh of the Frankish Church.

Nor is the general argument strengthened by a particular likeness between the False Decretals and two forgeries composed at Le Mans—a false ‘Bull of Gregory IV’ and the ‘Memoriale.’ The first gave Aldric, Bishop of Le Mans, the right to appeal to the Holy See whenever he was accused.<sup>28</sup> The second concerned the suit whereby Aldric obtained the restitution of the Abbey of St. Calais.<sup>29</sup> It is true that their composition, like that of the False Decretals, was a mosaic of quotations, culled from the authentic decretals and canons of the councils; and that their most common-place ideas were expressed in phrases from the same documents from which the Pseudo-Isidore had borrowed.<sup>30</sup> It is also probably true that

<sup>27</sup> Fournier gives further explanation. Eleutherius (H., p. 125) attacks the doctrine of a distinction between pure and impure food—which is maintained by the penitential system of the Bretons. Again, the Pseudo-Isidore attacked incestuous marriages—and on this point Leo IV had to warn the Breton bishops (Mansi, XIV, 883). The Breton system of parishes under the control of Abbots is also contrary to the doctrines of the False Decretals.

<sup>28</sup> It is dated Jan. 8, 833. For the text see *M.G.H. Epistolae Karolini aevi*, t. V, p. 73, and Migne, CVI, 853.

<sup>29</sup> It is inserted in the second part of the *Gesta Aldrici* (*M.G.H. Script*, XV, 308-337).

<sup>30</sup> The Bull begins with a phrase—‘Divinis praeceptis et apostolicis saluberrime incitatur monitis ut pro omnium ecclesiarum statu impigro vigilemus affectu’—taken from St. Leo, which occurs four times in the False Decretals.—H., p. 124 (Sotherius), p. 131 (Zephyrinus), p. 156 (Fabius), p. 466 (Julius). Another phrase—‘Si quid grave intolerandumque committeret, nostra erat expectanda censura’—taken from St. Leo, occurs three times in the False Decretals. H., pp. 193, 474 and 712. (For other examples,

the date of the two documents was approximately the date of the False Decretals.<sup>31</sup>

But, in the first place, a textual resemblance between two documents can only imply, in the absence of more definite proof, the plagiarism of the one by the other, which is not unnatural in an age when plagiarism was the mode.<sup>32</sup> And, in the second place

see Fournier, *id.*, p. 775). In the *Memoriale*, the phrase 'quae male pullulasse noscuntur, radicitus evellantur, et messem dominicam zizania nulla corrumpant,' is taken from St. Leo and is used in the False Decretals four times. H., pp. 513-515, 718 and 127. (For other examples, see Fournier, p. 777).

<sup>31</sup> The *Memoriale* bears the date 838, which is false. It affirms that it was written when Sigismond had been expelled from the monastery of St. Calais by the partisans of the Church of Le Mans, which was in 841. It must be prior to 857 because it is contained in the 'Gesta' of Aldric who died in 857. It is therefore between the years 842-856, and probably about the year 849, when the clerks of Le Mans were most busied in the conflict with the monks of St. Calais.

The False Bull was drawn up probably in 850. It must have been written before 857 (the death of Aldric), and can either refer to 840 when Aldric was expelled by the adversaries of Charles the Bald, or to 845-850 when Le Mans was ravaged by Breton soldiery and Nomenoe occupied the episcopal see (*De La Borderie*, II, p. 61). It would have been more natural to forge the Bull during the period 845-850, especially as Gregory IV was known to appreciate Aldric. But Prof. Saltet (*Catholic Encyclopaedia*, Vol. V, p. 780) questions the fact that the Bull was written during the lifetime of Aldric: he is inclined to refer it to Robert, Aldric's successor at Le Mans, in his quarrel with the monks of St. Calais.

<sup>32</sup> The more definite proof, which is wanting, would be to show that in the school of Le Mans were the numerous books from which the Pseudo-Isidore copied. The library of Tours has greater claims in this respect than the school of Le Mans. But no small amount of literature had been collected in the Gallic schools during the Carolingian revival. In 831, the abbey of St. Riquier, near the mouth of the Somme, had two hundred and fifty-six codices of Latin and Greek authors, and in 855 Lupus of Ferrières asked Benedict III to send him the MSS. of Cicero de Oratore, the insti-



—which applies to the whole argument that the object of the Pseudo-Isidore was local—there is a difference in character between the False Decretals and the false documents of Le Mans which no textual similarity can dissipate. It is the great difference between the group of Pseudo-Isidorian ‘forgeries’ and the minor forgeries of the ninth century. Their methods may have been similar, inasmuch as literary ingenuity in those days was rare. But the Pseudo-Isidorian ‘forgeries’ were of general application for the edification of all, while the lesser forgeries were of only local application for the deception of a few. The False Decretals had in view the general protection of the Frankish Church: but the false Bull of Gregory IV had in view only the protection of Aldric, the ‘Memoriale’ only the rights of Le Mans over the Abbey of St. Calais. So with all the lesser forgeries. The ‘Acta Pontificum Cenomannis in urbe degentium’ was a forgery on behalf of Le Mans and its Chorepiscopi.<sup>33</sup> In the province of Rheims the ‘Narratio clericorum Remensium,’ the ‘Apologeticum Ebbonis,’ another ‘Bull of Gregory IV,’ and the document presented by the clerks of Ebbo in 853 to the Council of Soissons, were all forged with the desire to prove that Ebbo had lawfully been restored and his clerks legitimately ordained. So again

tutions of Quintilian and the commentaries of Donatus on Terence, for his clerks to copy (Gregorovius, Vol. III, p. 141-2). It is, of course, possible that the Pseudo-Isidore was such a clerk entrusted with the care and copying of manuscripts.

<sup>33</sup> See Havet, Tom. I, *Oeuvres : Questions Mérovingiennes*.

with the lesser Papal forgeries.<sup>34</sup> In truth the difference between the False Decretals and the minor forgeries of that age was the difference between Legend and Forgery, between that written with a moral and that written with deceit. Had the Pseudo-Isidore thought only of espousing the cause of Aldric of Le Mans, or, for that matter, of Ebbo of Rheims, he would surely not have toiled at compiling authentic decretals as well as false, and adding to them the interminable canons of the councils. His voluminous collection would have been out of all proportion to the need.

The idea that the object of the False Decretals was local and personal must therefore be disclaimed. Briefly, it is invalid because there is no certainty of the locality of the Pseudo-Isidore,<sup>35</sup> and because, even if there was, the character of the False Decretals is the opposite of the character of the local forgeries whose locality is certain. The Pseudo-Isidore had in view not any local Church in particular but the whole Frankish Church in general.

The second theory—that the object of the False Decretals was universal and aggressive—is equally

<sup>34</sup> For example: (a) The interpolation of the Sardican canons in those of Nicaea by Popes from Zosimus to Leo I; (b) The Excommunication of Arcadius by Innocent I; (c) The fictitious Epistles and Councils of Sylvester I; (d) The Gesta Liberii and Trial of Sixtus III; (e) The interpolated Epistles of Gregory I concerning marriage to the seventh degree; (f) The Epistle of St. Peter to Pepin the Short; (g) The Donation of Constantine; (h) The Diploma of Louis the Pious, increasing the donation of Pepin.

<sup>35</sup> It may be allowed that the most likely place of origin is the Province of Tours. The Pseudo-Isidore may have been one of a group of clerks in that province engaged on the 'Pseudo-Isidorian forgeries.'

untenable. It is the theory that the Pseudo-Isidore was the conscious pioneer of the movement towards the complete supremacy of the spiritual over the secular authority; that his constructive and aggressive texts were meant to prepare the way for the oncoming struggle; that he was, purposely and deliberately, stirring up ecclesiastical ambition.

It has already been said<sup>36</sup> that the uncertainty of the aggressive texts suggests that the Pseudo-Isidore did not mean what his words strictly implied. There are good reasons for believing this to be true. In the first place, these constructive and aggressive texts were based not on ambition, but on custom. They expressed the idea of a past age, not the ideas of a future. It was a real belief of mediaeval churchmen that the Canon Law had come down from the Apostles, and was unchanging and eternal. It was part of their deep-rooted reverence for the past.<sup>37</sup> Their conception of reform was therefore a returning to the ways of old, and it was because their Golden Age lay, not in visions of the future, but in the glories of the past, that they clung to ancient forms and rules and preserved old institutions. It was because the Pseudo-Isidore worked on the legendary organisation of the Church that he ignored the organisation of the ninth century. He could not admit, for instance, the power of the Metropolitan Archbishop, inasmuch as he conceived it to be right that the Metropolitan should be the 'primus inter pares'

<sup>36</sup> Chapter II, p. 38.

<sup>37</sup> Cf. Bryce, *Holy Roman Empire*, p. 249.

of the Roman epoch. He could not admit the non-existence of a regular order of Primates, inasmuch as he found it in the ancient African Canons and believed it to be applicable to Gaul. He could not admit the King in sacerdotal character inasmuch as custom pointed to the Pope as the apex of the ecclesiastical hierarchy.

† He was not looking forward to the future of the Church's power: he was looking back to its ancient organisation. He was not responding to a call of ecclesiastical ambition: he was being, rather priggishly, obedient to custom. His constructive and aggressive texts then were written rather as a matter of course, than as a matter of thought. If they were based upon custom, and in keeping with the contemporary literature of the age,<sup>38</sup> they could not have been based on new ambitious schemes for the future omnipotence of the priesthood and the Papal See.

And, in the second place, they have not the character of a great bid for future aggrandisement, but have, on the other hand, the character of a great attempt for present-day reform.

Consider the references to Rome. It is clear that, whenever the Pseudo-Isidore called in the Papal See, it was always in the immediate interest of the Bishops and never in the future interests of the Pope. The protection of episcopal lives and property was urgent, and to appeal to a king without authority was useless. The only resource

<sup>38</sup> Cf. Chapter I, Section iii, and Chapter II, Section iii.

was to appeal to the Pope: bishops' cases must be Popes' cases. That was obviously the Pseudo-Isidore's argument. It is true that the Papacy, at that time, was not inspiring.<sup>39</sup> But the Pseudo-Isidore would doubtless have remembered how in time past the Pope had appealed to Frank and how Frank had appealed to Pope, not so much in respect one for the other—which is being theoretical—as when each was in need of the other—which is being practical. It was as Papal Legate that Boniface of Mayence had come to reform the Frankish Church. It was as Papal Legate again that Chrodegang of Metz in 760 revived the canonical or semi-monastic life. It was only natural that the Pseudo-Isidore, for his reform, should have turned likewise to the Pope: it was inevitable, when it would have been futile to have turned to the King. The Pope was therefore given power to summon and hold regular provincial synods, and to call all episcopal cases as 'maiores causae' to Rome.

Or consider the references to the ecclesiastical authority in Gaul. It is clear again that they were not in the theoretical interests of an ecclesiastical caste which should dominate the future history of the Franks, but in the interests of individual priests and bishops. In those disordered days men were too pressed to theorise. Every man was saving his own life without considering why his life, above all others,

<sup>39</sup> Rome was largely subject at the time to the interference of the Imperial Missi. Sergius II, moreover, was not innocent of simony and Leo IV had been forced to defend his person like an ordinary bishop.

should be saved. So it was with the clergy. It was useless for them to appeal to secular jurisdiction: they had to rely on their own. So the maxim was evolved: 'spiritualis a nemine judicatur.' It was merely a stand for ecclesiastical independence.

And it is not consistent with a desire to exact the power and privileges of a spiritual caste, of which the bishop was to be the pillar, that the Pseudo-Isidore should deny, as in one place he did, the episcopal 'potestas ordinaria,'<sup>40</sup> and should have allowed certain canons of the Councils to remain in favour of the Metropolitan Archbishop.<sup>41</sup> Yet he had even forbidden a bishop to conceive any prejudice against the pontiff who performed his consecration,<sup>42</sup> to be ordained at all save by order,<sup>43</sup> and if possible in the presence, of the Metropolitan himself;<sup>44</sup> he was to act in concert with his Metropolitan,<sup>45</sup> and attend his consecration, inasmuch as 'he who is

<sup>40</sup> H., p. 712 (Vigilius), l. 26-28: 'Ipsa namque ecclesia quae prima est ita reliquis ecclesiis vices suas credidit largiendas ut in parte sint vocatae sollicitudinis, non in plenitudine potestatis.' But the sentence is a plagiarism from St. Leo, which in its original meaning was levelled not against bishops in general, but against the Bishop of Thessalonica in particular, who, as Patriarch in Illyricum, was reminded that he had received only a partial delegation, not a plenitude of power.

<sup>41</sup> Nicaea, c. vi, II., p. 258, Antioch, c. ix, p. 271, and c. xix and xx, p. 272. Hincmar of Rheims was not slow to seize upon these passages.

<sup>42</sup> H., p. 221 (Marcellinus).

<sup>43</sup> H., p. 120 (Anicetus).

<sup>44</sup> H., p. 120-121 (Anicetus).

<sup>45</sup> H., p. 139 (Callistus, c. xiii); p. 121 (Anicetus, c. ii); p. 176 (Lucius, c. iv). (Cf. Capit. Angil., 43, p. 765, and Benedictus Levita, III, 358).

above all should be instituted by all.<sup>46</sup> At councils the Metropolitan was yet allowed, according to the 'ordo de celebrando concilio,'<sup>47</sup> 'to judge and define.' Now this limitation of the Bishop's authority in one place, and its advancement in another, is only intelligible granted that the Pseudo-Isidore wrote his decretals to reform abuses as he saw them. For there were abuses in the episcopacy as well as in the order of Metropolitan. There was as much need to defend a Metropolitan, as at Tours, as to defend a bishop, as at Soissons. There could be no logical plan for a practical reformer.

Indeed, if the Pseudo-Isidore had had the extravagant ambitions imputed to him, he would surely have gone differently to work. If his ambitions had been Papal, there were realms for his conquering. The Pope himself was hankering after temporal power. Yet the Pseudo-Isidore, with the Donation of Constantine in his collection, turned it to no profit. The Pope again was driving towards more direct action in the Frankish Church. Yet the Pseudo-Isidore would have established the regular order of Primates—another barrier between Gaul and Rome.

Or, if his ideal had been an omnipotent priesthood in Gaul, there were Kings and Nobles for his capturing. Yet not a line in his false decretals spoke of the priesthood's power to appoint, and depose, the secular monarch. Little political theory at all can be gleaned from the pages of the Pseudo-Isidore.

<sup>46</sup> H., pp. 120-1 (Anicetus).

<sup>47</sup> H., p. 22.

He was not concerned with it. Like his age, he was conscious of practical difficulties and he strove to meet them. He was not an idealist with extravagant claims for the future omnipotence of the Church: he was merely a reformer with practical suggestions of returning to the ways of the past. His ideal was not ecclesiastical supremacy, but ecclesiastical independence. His immediate concern was the protection and purification of the church in Gaul.

The conclusion of the arguments against the first two theories is the proving of the third—that the object of the Pseudo-Isidore was general but defensive, that is, limited to practical reform. It will thus be possible to summarise the place of the False Decretals in history.

The Pseudo-Isidorian 'forgeries' were a natural product of the ninth century. They rose out of the trials and perils of the Frankish Church. The Pseudo-Isidore and his fellow-workers saw the ecclesiastical authority helpless because the secular authority was failing. They saw the Church plundered by King and noble, by Breton and Dane. They saw its dignitaries persecuted, its authority openly defied. They saw the civil disorder eating into the ecclesiastical life and bishops and archbishops becoming secular, and, in some cases, idle and rich. They saw that laws were promulgated by episcopal synods, but never enforced by King nor obeyed by noble. It seemed to them, as pious and law-abiding priests, the end of all things. The Church was likely to lose its independence and



perish in the political anarchy, unless, by some means, the honour and authority of the priesthood could be recognised, and the dead letter of those synods of reform could be wakened into life. It was a grave crisis; and there seemed to them but one hope left. The laws of the episcopal synods might be ignored: but, if those laws were sanctified by the halo of a revered name, if they were attributed, say, to Charlemagne, or, in a series of false decretals, to the earliest successors of St. Peter, they might yet, in the eleventh hour, be obeyed.

Such was the idea of the Pseudo-Isidore and his circle—the idea that finally took shape in the documents known as the Pseudo-Isidorian ‘forgeries.’ Just as the crisis in the eighteenth century in France brought out the ‘*Contrat Social*,’ so did the crisis in the ninth century in Gaul bring out a group of ‘forgeries.’

It was not forgery but legend, and, in another sense, legal fiction. The laws of the ninth century synods were attributed in the capitularies of Benedictus Levita to Charlemagne, in the capitularies of Angilramnus to Pope Hadrian I, in the Canons of Isaac of Langres to Pope Zacharias, and in the False Decretals to the early Popes. So might they be observed. The fiction was that the law, adapted to the needs of the ninth century, had never changed but had existed from all time. It is true that the fiction was blatant. It was not the mere tacit supposition of a Roman jurisconsult that the law was unchanging. It was to be written plainly in the False

Decretals for the Frankish world to see that the very synodical laws which it ignored were the actual decrees of the earliest Popes issued from the throne of St. Peter. But it was not even legal fiction for the Pseudo-Isidore. It was rather gospel truth. Canon Law had for him existed from all time, and the laws of the ninth century were merely expressing the ancient rules and customs. If the Frankish world had failed to realise it, the Pseudo-Isidore determined to make it plain to the Frankish world. The truth should be made known even by 'falsehood.'

The social upheavals of the ninth century brought forth the cry for reform in the group of Pseudo-Isidorian 'forgeries.' The grave peril of the church, in particular, brought forth a reformer in the Pseudo-Isidore, calling in his False Decretals for the protection, the purification, and the independence of his priesthood, and pointing to the legendary past for his ideal. Yet history has made him appear like a prophet of the future, and a seer of visions. He himself was rather a ponderous and practical reformer. He could not have realised the potentialities of the Papacy—that its laws were universal, while the laws of temporal Kings were local. He could not have suspected that the reforms of Boniface, Legate of St. Peter, would mean, in the collapsing of the royal power, the domination of the Pope. He gave not a thought to the future of the Roman See. His mind was practical, and his vision was bounded by the perils and abuses at home in the Kingdom of the Franks. Yet his False Decretals, based upon law and custom,

embodied a conception of Papal authority which, after the disintegration of the tenth century and the turmoils of the age of Hildebrand, was to be held and practised by Innocent III. The False Decretals were a practical reform, and they came to be a tremendous prophecy. The Pseudo-Isidore died weeping perhaps over the failure of his work: yet there were others still to live in centuries to come, who would be holding it up in triumph.

## APPENDIX I

### THE DATE OF THE FALSE DECRETALS

#### (i)

THE approximate date of the False Decretals has been taken as the year 850, in accordance with M. Paul Fournier.<sup>1</sup> The conclusions of his very detailed proof cannot now be questioned. It will be sufficient to summarise his arguments.

He began with the general statement that the False Decretals must have appeared between the years 847 and 857. For, on the one hand, the Capitularies of Benedictus Levita, from which the Pseudo-Isidore has largely drawn,<sup>2</sup> were not anterior to 847,<sup>3</sup> and, on the other hand, at the close of 857 Hincmar of Rheims had made use of the False Decretals in his 'Collectio de ecclesiis et capellis.'<sup>4</sup>

<sup>1</sup> Cf. Paul Fournier in *Revue d'histoire ecclésiastique*, Vol. VII (1906), pp. 301-316.

<sup>2</sup> Vide Appendix II.

<sup>3</sup> Hincmar of Rheims pretended to have known the False Decretals before the birth of his nephew, Hincmar of Laon, that is, before 835 or 830. 'Prius enim quam formareris in utero illa novimus et antequam exires de vulva saepissime legimus' (Migne, CXXVI, 329b and 534). But this is Hincmar's bluff. (Cf. H., p. excvii, and F. Lot, *Études sur le regne de Hugues Capet et la fin du 10<sup>e</sup> siècle*, p. 374, note 8).

<sup>4</sup> At the council of Quierzy of 858, it may be noted, the False Decretals were cited on the immunity of church property (Mansi, XVII, App. 69, cf. Hefele, V, 409), and in 858, again, Lupus, Abbot of Ferrières, quoted in a letter to Nicholas I a decision from the Pseudo-Melchisedes (*M.G.H., Epistolae Karolini Aevi*, VI, p. 114).

He went on to show that they must have appeared before 856 because the chronicle 'Acta Pontificum Cenomannis in urbe degentium,' compiled before the death of Aldric, Bishop of Le Mans, in 857,<sup>5</sup> gives the marked impression either of having been written under the influence of, or of having borrowed from, the False Decretals.

Of this Pseudo-Isidorian influence upon the 'Acta' there are three main lines of proof. The first is centred on the 'Chorepiscopi.' To these the False Decretals, it has been shown, were clearly hostile; and it seems certain that the author of the 'Acta' tried to meet their objections, and thereby to justify the existence, for over a century, of 'Chorepiscopi' at Le Mans.<sup>6</sup> He knew that in the decretals the Chorepiscopi were attacked because they satisfied no real need, but merely the worldliness of bishops: but at Le Mans they were instituted in cases of necessity and with the confirmation of Pepin and Charlemagne.<sup>7</sup> He knew that the Decretals condemned them inasmuch as a single bishop performed their consecration:<sup>8</sup> but at Le Mans, in the time of Charlemagne, it was by three bishops that Merolus was consecrated to be the Chorepiscopus of Bishop Gauziolenus.<sup>9</sup> He knew that the Pseudo-Isidore

<sup>5</sup> Ed. by Busson and Ledru (Le Mans, 1901). Cf. J. Havet, *Questions Mérovingiennes*, p. 353 (Vol. I, *Oeuvres*).

<sup>6</sup> Cf. Duchesne, *Fastes Episcopaux de l'ancienne Gaule*, II, p. 323, and J. Havet, *Questions Mérovingiennes*, p. 271, etc.

<sup>7</sup> *Acta* (ed. Busson and Ledru), pp. 258-259.

<sup>8</sup> H., p. 512.

<sup>9</sup> *Acta*, p. 261.

did not allow the 'Chorepiscopus' to take his title from a city—for no two bishops could reside therein—nor from country towns or villages—for he had reproved such vague ordinations:<sup>10</sup> but—so argued the author of the 'Acta'—Merolus had been consecrated at Le Mans 'ad titulum ecclesiae Sancti Petri quae est constructa in Salico, vico canonico.'<sup>11</sup> Salicus was a 'vicus publicus et canonicus,' and in a 'vicus' 'Chorepiscopi' were admitted. The author of the 'Acta' showed his knowledge of the tenth canon of the council of Antioch.<sup>12</sup> He was surely writing his justification of the 'Chorepiscopi' with the False Decretals before him.

Secondly, there are actual quotations from the Isidorian texts in the wording of the 'Acta.' There is a passage, for instance,—still in defence of the standing of Merolus—which is a tissue of fragments taken from the collection of the Pseudo-Isidore.<sup>13</sup> There are other passages too of a similar kind.<sup>14</sup>

Thirdly, there are points of discipline and doctrine in which the author of the 'Acta' appears to have followed the Pseudo-Isidore. The Pseudo-Isidore

<sup>10</sup> H., p. 512.

<sup>11</sup> *Acta*, pp. 260-261.

<sup>12</sup> H., p. 271.

<sup>13</sup> *Acta*, p. 259: 'Hoc peracto, misit iterum praedictus Gauzilenus ad domnum Karolum . . . et nomen a titulo villano, quae graeco sermone chore vocatur, haberet, et non ab ordinatione.' With which passage, cf. Leo, H., p. 628, and Damasus, H., p. 512, line 4: 'Cum autem dixit corepiscopum, profecto villanum voluit intelligi episcopum . . . Ad villam, quia chore villa est apud graecos.'

<sup>14</sup> For examples, see Fournier, *id.*, p. 309 sqq.

had commended to the clergy the ideal of living a common life, and he had cited the Acts of the Apostles unweariedly concerning the life of the first Christians.<sup>15</sup> The same ideal is emphasized in the 'Acta,' with a reference to the first Christians of Le Mans who practised a common life.<sup>16</sup> There is a further resemblance between the two collections in the condemnation of marriages between blood-relations, though a tendency is marked in the 'Acta' to tone down the extreme doctrines of the False Decretals.<sup>17</sup>

It seems clear that the 'Acta Pontificum Cenomannis in urbe degentium' was compiled under the influence of the False Decretals.<sup>18</sup> And inasmuch as the 'Acta' was written at the latest in 856—before the death of Aldric in 857—it was therefore before 856 that the Pseudo-Isidore made his collection.

(ii)

Between the years 847 and 856, M. Fournier argued, the most probable date for the publication of

<sup>15</sup> H., p. 65 (Clement) and pp. 143-4 (Urban).

<sup>16</sup> *Acta*, p. 36.

<sup>17</sup> *Acta*, p. 281.

<sup>18</sup> The Isidorian influence cannot be attributed to the 'Capitula Angilramni,' for they include texts on the 'common life' and the chorepiscopi which are dissimilar: nor can it be attributed to Benedictus Levita, for his Capitularies do not explain all of the Isidorian influences on the *Acta*, and, in particular, do not give 'chore' the Greek word for 'villa,' which is given in the False Decretals.

the False Decretals is 850. It depends upon two citations that appear in the Annals of Hincmar. The first is in Hincmar's statutes to his diocese, dated Nov. 1st, 852, a passing reference to the decretals of Stephen: 'sicut Stephanus sanctus papa et martyr ad sanctum Hilarium in suis decretalibus docuit.'<sup>19</sup> The second is a reference to a text of the False Decretals concerning the 'lapsi,'<sup>20</sup> and is found in an appendix to a chapter of Hincmar's instructions to 'decani,' not expressly dated but attached to the Statutes of 852. Hincmar was arguing that priests 'lapsi' could never be restored to their orders. But Pope Callistus, in the collection of the Pseudo-Isidore, had decreed the opposite, and it is probable that in this chapter addressed to 'decani' Hincmar was trying to nullify the decision of the Pseudo-Callistus with the words: 'Et Sanctus Gregorius, quod et praedecessor eius sanctus Callistus scripserat de lapsis in ordine ecclesiastico, *sed non detectis*, interroganti se respondit.'

These citations, however, have been questioned.<sup>21</sup> It is suggested that the sentence beginning 'sicut Stephanus' is a later interpolation; and that, as for the latter citation, Callistus is not expressly cited, and that the whole treatise to 'decani' is separated from the statutes dated 852. But these objections

<sup>19</sup> For the text of Hincmar, see Migne, CXXV, col. 775, c. xi. The reference is to H., p. 183.

<sup>20</sup> H., pp. 141-142: in Hincmar, Migne, CXXV, col. 791.

<sup>21</sup> By F. Lot: 'Note sur la patrie, la date, et les auteurs des Fausses Decretales.' Appendix IX of his *Etudes sur le règne de Hugues Capet* (1903), pp. 361-375.



scarcely hold good.<sup>22</sup> There is no reason to doubt the authenticity of the allusion to Pope Stephen, for Hincmar had cited, in the same manner, Ezekiel and St. Paul: and, in the second place it is clear, on reading these particular Statutes, that the chapter to 'decani' is the second part of a continuous dissertation, the first part of which was addressed to priests. Inasmuch as Hincmar is nullifying a doctrine of the Pseudo-Callistus, the reference to the False Decretals is obvious.

The work of the Pseudo-Isidore must therefore have been put in circulation before 852. And since it is not anterior to 847, it is not unreasonable to conclude, with M. Paul Fournier, that 850 was the approximate date of its appearance.

<sup>22</sup> See Lesne, Appendix, pp. 299-304, *La Hierarchie Episcopale*. There is, however, some attractiveness in the theory of F. Lot. For it might be that the section addressed to 'decani' and treating of the 'lapsi' was added later to counteract the doctrine of the False Decretals that had since appeared. But in the balance of the arguments the weight is on the side of Lesne. In any case, it may be observed, whether this treatise to 'decani' was a later edition or not, the mention of Callistus seems intentional and not an interpolation.

## APPENDIX II.

### THE RELATIONSHIP OF THE PSEUDO-ISIDORIAN FORGERIES

It was stated by way of introduction that the Pseudo-Isidorian forgeries were all published, apparently, with the same intent—the protection and advancement of the Frankish priesthood. By way of Appendix this relationship may be examined in closer detail.

#### (i) *The Collectio Hispana Augustodunensis.*

The 'Collectio Hispana d'Autun' has not in this book been regarded as a distinct member of the Pseudo-Isidorian group of forgeries, but as an early or trial edition of the False Decretals compiled by the Pseudo-Isidore himself.

It does not contain Part I of the False Decretals, but only Part II and the genuine Decretals of Part III, together with three apocryphal additions—the letter of Stephen, Primate of Africa, to Pope Damasus,<sup>1</sup> the reply of Damasus concerning the referring of Bishops' cases to Rome,<sup>2</sup> and another

<sup>1</sup> Hinschius, p. 501.

<sup>2</sup> Hinschius, pp. 502-508.

letter of Damasus 'de vana superstitione corepiscoporum vitanda.'<sup>3</sup>

The Pseudo-Isidore was not necessarily the author because he used it as the basis of his later work: but there are other considerations.

In the first place, the 'Hispana d'Autun' was earlier than the False Decretals as the reconstruction of the order of the papal decretals, which had been upset in the 'Hispana Gallica,' was begun in the 'Hispana d'Autun' and advanced further by the Pseudo-Isidore in his False Decretals.

In the second place, it is similar to the False Decretals in character and phraseology. They are both uncompromising opponents of the Chorepiscopi and both champions of the episcopate. And in the False Decretals there are the three additions which the 'Hispana d'Autun' made to the 'Hispana Gallica.'

In the third place, there is the final and convincing fact that in the 'Hispana d'Autun' the False Decretals are presumed to exist. In the false letter of the Primate Stephen to Pope Damasus there is mention of the 'decreta omnium patrum' and the 'antiquae regulae' which reserve Bishops' cases for the Roman Pontiff,<sup>4</sup> and in his reply Damasus refers to the texts concerning exiled and persecuted bishops which he refuses to cite in detail—'Si quis autem his non est contentus, legat ea et saciabitur.'<sup>5</sup> In a later passage he mentions again the 'innumerabilia decretorum testimonia.'<sup>6</sup> It is clear that the author of

<sup>3</sup> Hinschius, pp. 509-515.

<sup>5</sup> Hinschius, p. 503, c. xiii.

<sup>4</sup> Hinschius, p. 501.

<sup>6</sup> Hinschius, p. 507, c. xxi.

the 'Hispana d'Autun' had in mind the False Decretals and inasmuch as the False Decretals had not then been published, it is equally clear that he must either have been the author of both, or have been working in collusion with the author of the latter. The similarity in character and phraseology between the 'Hispana d'Autun' and the False Decretals is sufficient to conclude that he was the author of both, and that the former, in fact, was merely a trial edition of the latter.

(ii) *The Capitularies of Benedict the Deacon, and the Canons of Isaac of Langres.*

The Capitularies of Benedict the Deacon<sup>7</sup> published in 847 were a compilation in three books and four 'additiones.' The three books were intended to represent a continuation, as books V, VI, and VII, of the Capitularium of Ansegisus, Abbot of Fontenelle. Their authenticity was pretended in much the same way as the authenticity of the False Decretals.<sup>8</sup>

Hinschius has plainly shown in his Introduction that the method of the Pseudo-Benedict was exactly the method of the Pseudo-Isidore, that is, plagiarism on a large scale. The Pseudo-Benedict plagiarised from the same sources as the Pseudo-Isidore—the Bible, the Church Fathers, the Canons of Councils, the Code of Theodosius, the Code of Justinian,

<sup>7</sup> Cf. Hinschius, p. cxliii, s. 17, cap. III; Tardif, *Histoire des sources du droit canonique*, and Lot, *Regne de Hugues Capet*, p. 368.

<sup>8</sup> *Vide* Introductory, p. xiii.

the *Lex Romana Visigothorum*, and the rest. There is the suggestion therefore, inasmuch as the False Decretals were published probably three years after the Capitularies, that the Pseudo-Isidore was copying the manner of the Pseudo-Benedict, and that, further, he was using the Capitularies as the chief guide for his False Decretals.<sup>9</sup> This, as Hinschius has proved, is correct.<sup>10</sup> For, in the first place, there are numerous instances which show that, where the original source has been altered by the Pseudo-Benedict, the Pseudo-Isidore has quoted it in its amended form, or has added to the Pseudo-Benedict's amendment. Secondly, the author of the False Decretals plagiarised even the texts which the Pseudo-Benedict had 'forged' himself. And, finally, there is evidence—in the attack on the *Chorepiscopi* and in the defence of the bishop against dispossession—that where the Pseudo-Benedict made his way uncertainly and confusedly,<sup>11</sup> the Pseudo-Isidore pushed more boldly—with more certainty and less contradiction. It may therefore be accepted that the Capitularies of Benedict the Deacon were written, not only with the same object, but in the same manner and from the same sources as the False Decretals; that they were, in fact, themselves the guide through which the Pseudo-Isidore drew his greatest number of quotations.

<sup>9</sup> For the number of quotations in the False Decretals from the Capitularies of Benedictus Levita, see H., pp. cxii-cxvi.

<sup>10</sup> H., p. cxliii sqq.

<sup>11</sup> The plagiarisms of the Pseudo-Benedict are strung together in disorderly fashion, and some occur twice or three times over. The author does indeed apologise for his carelessness by pleading that he was pressed for time.

Nor must it be overlooked that the Canons of Isaac of Langres were an extract, in eleven capitula, from the Pseudo-Benedict. Their pretence at authenticity was different,<sup>12</sup> but their substance and their intentions were the same as the false Capitularies.

(iii) *The Capitularies of Angilramnus, Bishop of Metz.*

This was a collection of seventy-one articles containing the rules for the trial and accusation of bishops, with the same avowal of authenticity in the Preface.

Hinschius leaves no doubt that there is the same manner of plagiarism, and that the same sources are drawn upon. As with the False Decretals, so with the Capitularies of Angilramnus, the quotations are taken from the version of the original text as amended by the Pseudo-Benedict. The Capitularies of Benedictus Levita were the medium through which the author of the Capitularies of Angilramnus, as well as the author of the False Decretals, plagiarised his original sources.<sup>13</sup>

The kinship of all the 'forgeries' in the Pseudo-Isidorian group is, indeed, beyond doubt. It is gone so far as to claim that the author of them all was the Pseudo-Isidore. But there is difficulty in believing that upon one unhappy pair of shoulders fell the gigantic task of compiling all the Pseudo-

<sup>12</sup> *Vide* Introductory.

<sup>13</sup> H., clxvii, sqq.

Isidorian 'forgeries.' The theory is more likely that there was a common workshop of clerks—say, under the guidance of the Pseudo-Isidore—from which emanated at intervals these priestly efforts at self-defence and self-reform. But acceptance of all such theories must be reserved while there is no more definite evidence than textual similarity.<sup>14</sup> The fact, which is sufficient, remains that the Pseudo-Isidorian 'forgeries' were the members of one family.

<sup>14</sup> See n. 32, p. 80.





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